

COLONIAL RECORDS

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OF

NORTH CAROLINA//

\State records/

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BY

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SECRETARY OF STATE

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PREFATORY NOTES TO SECOND VOLUME.

The second volume begins with the year 1713 and closes with the end of the Proprietary Government in 1728.

But is 1728 the true date? The facts seem to be that on or about the 11th July, 1728, the Crown concluded negotiations with the Proprietors by an agreement for the surrender of their charters; that the colonists were notified thereof on or before the 12th December, 1728; that from and after that date official papers from the colony were sent, not to the Proprietors as hitherto had been the custom, but to the representatives of the Crown; that the Proprietors thought their authority was at an end; that the Judge of the Court of Admiralty, the Secretary, the Council and the Governor of the Province, also, thought the transfer had actually taken place; that upon further reflection an act of Parliament was considered by the Crown authorities necessary to the legal surrender of the government; that the Lords Proprietors expressed great surprise thereat and asked that the surrender be accepted at once, or that they be restored to their rights under the charters; that some time before the 1st June, 1729, an act of Parliament was passed "establishing an agreement with seven of the Lords Proprietors for the surrender of their title," &c.; that in pursuance of this act a further formal deed of surrender was made by the aforesaid seven Proprietors to the Crown on the 25th July, 1729; that the first Royal Governor did not enter upon the discharge of his duties until February, 1731; that in the *interim* Governor Everard and the other appointees of the Proprietors continued in office; that the Legislature met and passed laws, using the customary enacting clause, and that it was not until after the arrival of the Royal Governor that there was any requirement that statutes should run in the name of the Governor, Council and Assembly instead of the Palatine and Proprietors.

Upon this statement of facts it is submitted that the government of the Lords Proprietors came to an end practically in North Carolina in 1728, and not in 1729, as is commonly stated.

In 1712, Colonel Barnwell having been rendered unfit for further service by his wounds, returned to South Carolina, and Colonel James Moore with a second force of Indians came to the help of the colonists in North Carolina. On the 26th March, 1713, Colonel Moore captured the Indian fort on Contentnea creek and thereby virtually ended the war with the Tuscaroras. A treaty was made in which twenty of the ringleaders in the massacre of 1711 were agreed to be surrendered to the colonists for punishment, and King Tom Blunt, as he was called, was recognized as King of all the Tuscaroras who remained. The others are said to have gone to New York, where they became the sixth of the tribes called the "Six Nations." Blunt seems ever afterward to have been a faithful ally. But the Indian troubles did not end with the Tuscarora war, for as late as 1718 the colonists were still putting troops into the field to "catch or kill Enemy Indians." As might be expected, the condition of the colony for several years was a deplorable one, the people being "exceeding poor and distressed" because of the war, whereby they were not only decreased greatly in numbers but suffered very much by destruction of cattle, houses and plantations. The war was a cruel one. Every Indian who was captured was either killed or made a slave. The right to make slaves of captive Indians seems not to have been questioned, and the opportunity to exercise this right was the great inducement offered to the South Carolina Indians to come to North Carolina under Colonel Moore and fight against the Tuscaroras. In 1713 Colonel Pollock, then acting as Governor, bought from the Council eight Indian captives at £10 per head for shipment to the West Indies.

War was then, as now, an expensive undertaking, and this war saddled upon the colony a debt that could be met only by the emission of paper obligations. The first was in 1712 for £4,000, and the next for £8,000. These were the first paper certificates of public indebtedness ever issued in North Carolina. Up to this time taxation had been levied only upon the

poll, but to meet the present emergency it was also levied upon real estate. In the course of a few years the colonists found it necessary to resort to still other issues of paper money. In 1714 £24,000 were issued for future needs and to redeem the currency already out. In 1717 the amount then out was supposed to be about £16,000. In 1722 £12,000 were issued, that being supposed to be sufficient to redeem the whole issue then out, less the defaced and lost bills. In the year 1729 also, bills of currency to the amount of £40,000 were issued, rated at 500 per cent. exchange, £10,000 to be applied to the redemption of former bills and the remaining £30,000 to be lent out at 6 per cent. interest on land security, the same to be paid in fifteen years in equal payments. The value of the bills being uncertain, the Assembly reserved to itself the right to declare at their first meeting annually at what exchange the bills should pass.

In this great crisis in the affairs of the colony, brought about by the war, the Lords Proprietors, instead of extending a helping hand to save their property from destruction by the Indians, were avaricious enough to demand their rents in silver, a requirement that the people of the colony in the best of times were unable to meet. Indeed, owing to the great scarcity of coin in the country, the colonists had years before been compelled to make the ordinary articles of traffic a legal tender at certain fixed rates established by law, and suits were brought for so many pounds of tobacco for example, instead of for so much money in pounds, shillings and pence.

In 1713, the Proprietors having forbid further hostilities toward Cary and his adherents, and Governor Hyde having died, Colonel Pollock became Governor as President of the Council, and peace and better order obtained in the government. Pollock admits in one of his letters that the Quakers, under his administration, were good citizens, a fact doubtless due in great degree to the cessation of hostilities against them.

In 1715, North Carolina had an opportunity to repay South Carolina in kind for her prompt and generous assistance after the massacre in 1711, for in 1715 the Yemassee Indians made war on the whites in South Carolina,

and put the government there to great straits. North Carolina thereupon at once sent to South Carolina, under the command of Colonel Maurice Moore, what forces she could. The aid thus extended was gratefully acknowledged by the South Carolina Assembly, who having invited Colonel Moore to the floor of the House, thanked him in person through their Speaker for the services he and his men had rendered.

Bath was made a Port of Entry this year. Prior to this time the coast, it seems, was divided into two districts for the collection of customs, one being the District of Currituck and the other that of Roanoke. In the course of time the increase of population to the southward and the decrease in water at Currituck and Roanoke Inlets made other Ports of Entry necessary.

In this year, also, was made the first revisal of the acts of Assembly that has come down to us. This revisal left sixty-nine statutes in force, to-wit: "The six confirmed acts," as they were called, six other acts specially excepted from repeal, and fifty-seven other acts, then formally enacted, some new and some old.

In 1716, Governor Eden and Governor Spotswood of Virginia seeing the difficulties in the way of determining the boundary line between the two colonies, agreed upon the compromise line which was finally run in 1728, and is to-day the dividing line between the two States.

In 1718, a change was made in the manner of selecting the members of the Council. Hitherto each Lord Proprietor had appointed a deputy and these deputies composed the Council. From this time, however, the appointment of deputies ceased and the members of the Council were named as such by the joint action of the Proprietors.

In 1719, South Carolina threw off the Proprietary Government and claimed and received the protection of the Crown. She was led to take this step not from any advanced views in regard to government, but because, in the straits to which she had been reduced by the Indian war, the Crown only was able to extend the help necessary to her existence. Appeal after appeal having been made to the confessedly helpless Lords Proprietors, and in vain, the colony sought and found refuge in the strong arms of the King.

This action of South Carolina aroused great indignation in the bosoms of the Governor and Council of North Carolina, so they said, and very naturally, as they were appointees of the Lords Proprietors, and in conscience and truth men might well be excused for not being in haste to get under Royal rule. It is true too, doubtless, that the weaker the government was the better suited it was to the tastes of the people of North Carolina. It mattered not to them whether it was called Royal or Proprietary, for until they took the government into their own hands they knew it only by the burdens it imposed. Whatever protection they enjoyed came from themselves.

About this time, or a little before, were sown the seeds of a dispute as to the boundary line between North and South Carolina, a dispute that did not end until 1815. Its origin was something after this wise: The Lords Proprietors determined to erect a third government in their province of Carolina with the Savannah river as boundary between it and South Carolina. The proposition to form a new government, with the Savannah river as the northern boundary (substantially what the present State of Georgia is) threatened South Carolina with fatal contraction of territory.

At first the northern part of the province was described as that portion of it lying "north and east of Cape Fear," and the southern part as that part lying "south and west of Cape Fear." As early, however, as 1665, the county of Craven was described as lying south and west of Cape Roumania, Craven constituting the southern part, Clarendon undoubtedly belonging to the northern part of the province, and for years the Santee river was recognized as the real boundary. The county of Clarendon becoming very soon once more a wilderness, uninhabited save by Indians and beasts, the question of boundary was one of no practical importance. When, however, threatened with the Savannah river as her southern boundary, South Carolina very naturally became keenly alive to the importance of her northern line, and sought at once to fall back northward from the line of Cape Roumania and the Santee river to what she claimed to be the earlier line of Cape Fear and the Cape Fear river.

Certainly with the Savannah river for one boundary and the Santee for the other, South Carolina would indeed have been in a narrow strait, and it was natural for her to make a vigorous fight for a larger share of the province in which she and her northern sister had lived so long as tenants of the same owner. On the other hand, to have made Cape Fear river the boundary would have been equally hard on North Carolina. In point of fact it never was a boundary, and in this connection it must be borne in mind that while the Cape was known as Cape Fear from the beginning, the river was first known as Charles river, then as Clarendon river, after which it came to be called the Cape Fear river.

It was not until after the purchase of the province by the Crown that anything like the present line was indicated, and then it was done after consultation with the proposed Governors of the two colonies, and doubtless as an equitable compromise between the Santee and Cape Fear lines.

The change in tone of South Carolina toward North Carolina after her transfer to the Crown, was very marked. When she too was a proprietary government she was kindly enough, but immediately she got under royal rule her airs of superiority generally were worthy of the Virginia officials in their most arrogant days. The South Carolina agents in London went so far, in 1720, as to ask that North Carolina be blotted out, one part to be given to Virginia and the other to South Carolina, for the reason that it was the receptacle for all the rogues on the main land in America. In 1722 they were formally instructed by their Legislature to urge that North Carolina be made a dependency upon South Carolina. See documents of those dates.

But there was some excuse for South Carolina, remembering to what straits she was about to be reduced by the formation of a third government by the Lords Proprietors.

In 1722, Governor Eden died, leaving a reputation tarnished, as many think, by the not groundless suspicion of having been the protector and partner of pirates. The Secretary of the colony, Tobias Knight, who was also a member of the Council, was formally accused of being an associate in crime with the notorious pirate commonly known as "Teach,

the Pirate," or "Bluebeard." The Governor and Council quite as formally investigated the charges and gravely pronounced him entirely innocent. It was to this scandal that Colonel Moseley referred when he told Governor Eden he could find men to arrest him, but could find none to arrest pirates.

In 1722, Beaufort was made a Port of Entry.

In January, 1724, George Burrington was sworn in as Governor of the colony, and in July, 1725, was removed from office. The reasons for his removal are not given officially, but it was officially suggested by the Lower House of Assembly that it was because he was suspected of a design to transfer North Carolina to the Crown, as South Carolina had been transferred in 1719. His prompt re-appointment by the Crown after the purchase of the colony from the Lords Proprietors would seem to indicate that there might be some truth in the suggestion. But if a tithe of what was sworn to as to his violence, both in speech and action, be true, the wonder is that he got away from the colony alive, and not that a conspiracy was formed to kill him, as he alleged.

Sir Richard Everard succeeded Burrington and continued to act as Governor until Burrington's second appearance on the scene, when he came as a Royal Governor. He fully sustained the character attributed to Burrington for bad language and violent, lawless action. This declaration may seem harsh, but it is submitted that the documents printed in these volumes demand that it be made. It will be borne in mind, too, it is hoped, that Eden, Burrington and Everard, and in fact the government officials generally were, then, not North Carolinians but needy adventurers, who came over here to make their fortunes at the expense of the colony—a cormorant brood in that day, at least, not equalled in America.

Inured to danger, and accustomed to meet it unaided, and seeing no strength in the government over them, save that which lay in their own strong arms and brave hearts, the people of North Carolina, as might have been expected, felt but little respect for the Lords Proprietors or their representatives. When the government was in accord with the

people, it was well; when it was not, so much the worse for the government, for the people were stronger than the government.

In 1675, when the colony was only twelve years old, the people turned out their Governor, Colonel Jenkins. How many Governors they turned out before that time we do not know. There were then not more than 1,500 males, of all ages and colors, in the colony.

In 1676, the Lords Proprietors declared that the North Carolinians did not understand their own interests, and would not regard the interests of the Proprietors.

In 1677, 1678 and 1679, Miller and Eastchurch were turned out and the Culpeper Rebellion prevailed.

In 1680, the Lords Proprietors reported to the Crown that since 1676 there had been no lawful Government in North Carolina.

The next unfortunate was Seth Sothel, or Southwell, whom, in 1689, the Assembly formally banished from the colony for one year, and from the government for all time. He was surprised, so the story goes, upon his own plantation and "clap't into a Logg House" and there kept prisoner until "he renounced the Government and took and subscribed a strange oath." Now Sothel was not only a Governor, but a maker of Governors, for he was a Lord Proprietor, and as such a chartered absolute master of the soil, if not of the people as well, of Carolina. But for all that, the North Carolinians would not have him, and his brother Lords Proprietors would not attempt even to force him upon them unwillingly.

In 1690, Governor Nicholson reported that the North Carolinians were a very mutinous people.

In 1708, 1709, 1710 and 1711, Glover and Hyde were turned out, and the Cary Rebellion, so-called, prevailed, until suppressed by a military force from Virginia.

In 1710, Governor Spotswood, of Virginia, said the Governor of North Carolina was on so precarious a footing, and his authority so little, that he was forced to submit to others.

In 1711, he said the North Carolinians were so used to turning out their Governors that they thought they had a right to do so.

In 1712, Governor Pollock, of North Carolina, said the people were still stubborn and disobedient, and that pardon and amnesty had not produced the desired effect.

In 1715, the North Carolina Assembly, under the lead of Moseley, "*Resolved*, That the impressing of the inhabitants, or their property, under pretence of its being for the public service, without authority from the Assembly, was unwarrantable, a great infringement of the liberty of the subject, and very much weakened the government by causing many to leave it."

This was the defiance flung by the people, through their Assembly, publicly, formally and officially, into the teeth of Governor Eden and his Council. Nor were the colonists any more complaisant to Burrington and Everard than they had been to Eden and Hyde. North Carolina was never a bed of roses for Colonial Governors. After ten years' personal knowledge of the people, Governor Burrington wrote officially to the Board of Trade, saying:

"The Inhabitants of North Carolina are not Industrious but subtle and crafty to admiration, allways behaved insolently to their Governours, some they have Imprisoned, drove others out of the Country, at other times sett up two or three supported by Men under Arms All the Governours that were ever in this Province lived in fear of the People (except myself) and Dreaded their Assemblys

"The People are neither to be cajoled or outwitted, whenever a Governour attempts to effect any thing by these means he will loose his Labour and show his Ignorance * * * They insist that no Publick money can or ought to be paid but by a claim given to and allowed by the House of Burgesses."

In a word, as Urmstone, the Missionary, said, the people respected no authority that did not emanate from themselves, and a Lord Proprietor, even if there in person, was "no more regarded than a ballad-singer."

From the documents printed thus far it will be seen that for many years the colony was of very slow growth, and that the reasons therefor were,

1. *Neglect of the Lords Proprietors*, who devoted themselves to building up the colony at Ashley river and left the one at Albemarle severely alone, to be cared for as best it might. From the very outset Ashley river was their objective point, and to its settlement they bent all their energies, as is evident from their instructions to Yeamans when sent to Clarendon.

2. *Want of Ports for Heavy Shipping*.—Without ports there were of course neither towns nor commerce save the coast trade, which was easily monopolized by the enterprising traders of the older colonies in New England that had been settled long enough to accumulate capital. But it was not upon the commerce of the colony only that the want of ports acted injuriously. For the want of suitable ports negro slaves were not imported directly into North Carolina, and the planters there were forced to buy from Virginia and South Carolina. The slaves so bought, as experience proved, were both high in price and poor in quality, and in this very important particular North Carolina was at great disadvantage, compared with Virginia and South Carolina.

3. *Want of Mills*.—This was a serious drawback, as it compelled the use of New England flour although wheat grew in Albemarle in great abundance and made the trade with New England very profitable to the New Englanders. The scarcity of mills and the inconvenience arising therefrom are apparent from the existence of a statute passed as late as 1715 making mill-sites public property as it were, upon which any man who would, might put up a grist mill, whether water mill or windmill, if the owner failed to do so. No man in Albemarle might keep a mill-site unused. More suggestive reason than this, why, with all their abundance of Indian corn and English wheat, the people of the Albemarle depended upon the New England skippers for flour and meal, even though, as was complained, some of the flour was no better than ballast, could scarcely be devised. Wheat and corn of home production were indeed in the greatest profusion, but meal and flour of home production for want of mills were both scarce in quantity and poor in quality. And hence, doubtless, the origin of the homely phrase descriptive of the diet of the country, "hog and hominy," hominy in that day not being

made in mills but in mortars, and hogs being abundant as a consequence of abundant corn and inadequate transportation. According to DeGraf-fenried, in 1710, "there was in the whole province only one wretched water mill." The wealthiest people used hand mills and the poorer people pounded their grain in mortars made of oak.

4. *Persistent Hostility of the Crown, its Agents and the British Merchants to Proprietary Governments.*—North Carolina was not, like Virginia, a Royal Province, but private property that the British Crown had heedlessly parted with and was constantly seeking to regain possession of by purchase, *quo warranto*, or otherwise. The proceeding would doubtless have been a summary one had it not been that some of the Proprietors were peers of the realm whose rights could not be trampled upon with impunity. This hostility is apparent at a glance, upon inspection of the records, chronologically arranged. Step by step the Crown proceeded, but always in the same direction. In spite of the charters, it was required that the Governors of Carolina should receive Royal approbation before installation, and that they should give bond and security for the discharge of navigation and trade laws; Attorney-Generals for the colony were appointed by the Crown; Admiralty Courts were also created by the Crown to override the local courts; the Crown also assumed the right to repeal colonial laws. In a word, one encroachment after another was made upon the rights of the Proprietors until they gave up the contest and surrendered their charters.

Looking to this end, too, there was a stream of misrepresentation, slander and abuse of the Proprietors constantly flowing from the representatives and agents of the Crown.

5. *Enemy Indians.*—One would think from our historians that the Red men in Albemarle were the gentlest, if not the loveliest of their sex, and that they lived in the utmost peace and harmony with the pale faces prior to the great massacre of 1711. Yet the records show, as we have seen, that as early as September, 1666, there was an Indian "invasion," so called, in North Carolina, of such magnitude as to prevent a messenger from leaving the colony, and from the common use of the

term "enemy Indians" it would seem that hostilities with the Indians were not unfrequent.

The effect of all this in retarding the growth of the country was very great, both in driving old settlers away and in preventing new ones from coming in; so much so that for years after the massacre there was scarcely any perceptible increase in the population. A settlement in which the government was impotent and the Indians hostile, cruel and barbarous, was not an inviting place to stay in or to move to. But for the timely aid the people received from South Carolina the settlement on the Albemarle might have been blotted out as effectually as that at Roanoke, one hundred and twenty-five years before. Certainly for years, even with help from abroad, the colony withered and shrunk under the blighting influence of that horrible massacre and the war that followed.

6. *Conduct of Virginia.*—The prolonged controversy between Virginia and North Carolina about their boundary line doubtless did much to retard settlement in the disputed territory, but the Virginia Acts of Assembly, beginning in 1679 and continuing until after 1729, forbidding North Carolina tobacco to be carried into Virginia, did a great deal more to retard the growth of the Albemarle settlement. North Carolina having no port of her own and tobacco being her money crop, the Virginia embargo virtually excluded her from the markets of the world.

The productions of the country would seem, indeed, both in quantity and quality, to justify, in great degree, the extravagant praises heaped upon it by the earlier writers, and under different circumstances, doubtless would have made it prosperous. In 1707, Robt. Holden, who had been Collector of Customs in Albemarle as far back as 1679, writing to the Lords Proprietors about North Carolina, says: "It has barred Inlets into It; which spoyles the trade of it and none but small vessels from New England and Bermudas trades there. The soyle is more lusty than South Carolina. It produceth Tobacco; Indian Corne; English Wheat in abundance. Beef, Porke, hides, Tarr and so consequently pitch, and Furs as Beaver; Otter; Fox and Wild Cat skins, deare skins; Tanned Lether, Tallow," &c.

With corn and wheat and beef-cattle and hogs and poultry and game and fish and fruits in abundance, the colonists ought to have had the best of good living. That Albemarle was a granary of Virginia and her butcher-pen we know. But what availed it if the North Carolina soil was more lussy than that of South Carolina? What availed it if the North Carolina tobacco was better than that of Virginia, as Governor Everard declared it to be? and what availed it if North Carolina "hog and hominy" were abundant to excess? North Carolina had no port and Virginia embargoed her tobacco, her great money crop.

In 1728, Governor Everard reported to the Lords Proprietors that two great causes destructive of the trade of North Carolina were the Virginia embargo and the lack of a free port on the Nansemond River. In the same year, too, the North Carolina Commissioners that ran the line between North Carolina and Virginia, expressed in their journal their regret that the line had not run a few miles more northerly and the consequent "loss of Nansemond River, as it would have given a port for shipping tobacco, which the Virginians, by their hard tobacco act, have restrained, that would leave North Carolina a large and more flourishing country." There was then no Federal Constitution to prevent embargoes and other like unneighborly acts. There were then no railroads to give one colony access to the ports of another.

Mr. Fitzwilliam, the Surveyor General of the Customs in the Southern Provinces in America, who was also a member of the Virginia Council, protested against the passage of the Virginia Act of 1726, among other reasons, "because the restraining the people of North Carolina from selling or shipping off their tobacco to Virginia, when they have neither shipping of their own, nor ports to receive them, must of consequence force them upon manufactures of clothing for themselves, since they are thus prevented of all supplies by the produce of their labor, and thus by a partial restraint of trade from one part of his Majesty's dominions to another his Majesty's customs are lessened, the consumption of British manufactures diminished, and instead thereof a country which begins to grow numerous laid under the necessity of falling into manufactures of their own, for it is impossible to imagine that a number of people should

continue long under the want of necessary cloathing without exerting their industry, especially when the country they inhabite is capable of furnishing them with materials."

These were the causes, and enough they assuredly were, that discouraged adventurers from settling there. North Carolina could reach the world only through hostile channels that gave an unfriendly coloring to everything connected with the Colony.. The result was that adventurers went elsewhere. The policy of making the place odious was rigorously enforced, and the days of rose-colored immigration circulars were at an end.

It must not be too readily assumed that the evil days ended with the Proprietary period, and that peace, plenty and prosperity began with Royal rule. As a matter of fact, the colony began its transition toward a better material condition during or perhaps even before the time Burrington was first Governor and before the Proprietors surrendered their charters. His administration as Proprietary Governor was a brief one, being only about a year and a half in duration, yet he says that in that time not less than a thousand families came into the colony and that a far greater number would have come had they not heard of the great scarcity of provisions brought about by a great mortality that prevailed among the stock and a mighty storm that destroyed the corn in the preceding autumn; that great improvements were made in husbandry; that he was just about to inaugurate measures to establish a direct trade with Jamaica to supply the colony with rum, molasses, salt, &c.; that the Cape Fear settlement was in great measure, if not entirely, due to his wise foresight and fostering care; that the militia which, on his arrival, was in strange disorder, was regulated to the satisfaction of all people, and that justice was so duly administered that no complaint was made to him or to the Council and no suit brought against officer, civil or military. How much truth there is in this statement it may not now be possible to determine, though there is doubtless enough to show that the colony had before this time begun to rally from its long years of prostration and was entering upon a career of prosperity and development. Certainly the demand for land was so great that in April, 1724, the Governor and Council upon petition of the

Assembly, re-opened the Land Office in violation of the instructions of the Lords Proprietors. Mr. Fitzwilliam, too, the Surveyor-General of the Customs, as we have seen, in his protest against the Virginia Tobacco Act of 1726, said the colony had already begun to "grow numerous."

The truth is, doubtless, that the colony having at last outgrown the obstacles to its progress could no longer be kept back. The growth of the population shows this. In 1717, Colonel Pollock estimated that there were 2,000 tithables in the colony from whom taxes could be collected, as a basis for a scheme for meeting the public indebtedness. Two thousand tithables mean about 9,000 population, black and white. In 1735, the white population alone was, according to Henry McCulloh, near 40,000; in 1732, according to Burrington, the whites were "full 30,000 and the negroes about 6,000." From the testimony of Pollock, Burrington and McCulloh, therefore, it would seem that the estimate of population in North Carolina in 1729 usually accepted by historians is much too low. Counting both black and white, the population would seem to have been three times greater. According to the historians, the population was between 10,000 and 12,000. According to cotemporary statements, it must have been nearer to 30,000 or 35,000. The variance is certainly very great, and the weight of authority seems to be against the historians. Beginning with such an underestimate it was, perhaps, only natural that the historians should continue in error as to the population until the taking of a census rendered error no longer possible. But however natural the error was, it might easily have been corrected at a much earlier day than 1790, for there were *data* of record, some here, and others in the Public Record Office in London, from which a reliable approximation, at least, might have been made as to the population. The figures will be given hereafter.

The happy time was long in coming. Indeed, it may well be doubted whether the history of any other American colony shows a struggle for existence as prolonged as that through which North Carolina passed in the days of her Proprietors, or as hard. But those days of adversity were not without their good results, constituting, as they doubtless did,

the formative period in the character of the people. Shut in on every side and left to struggle with her enemies as best she might, unaided and alone she worked out her own salvation. Now she looks back to that period of her existence as men look back to the hunger and the thirst, the heat and the cold, the weary marches and countermarches, the hard-fought battles of campaigns in which they have borne their flag to honor and to victory. North Carolina can well afford, too, in this her day of great progress and development, to laugh at the ill temper and ill words of writers and neighbors in her early colonial days, for to-day, as a State, she stands the confessed peer of the proudest.

The purpose of the Crown and of the British merchants to make the colonies mere "hewers of wood and drawers of water" for themselves was unmistakable. The colonies, indeed, were not well planted, even, before an irrepressible conflict began between them and the mother country and her merchants—irrepressible certainly in North Carolina.

The British theory about colonies was that they were permitted for the benefit of the Crown and the mother country. The interests of the colonists in the premises seemed not to be a matter for consideration at all. To this end, all legislation was shaped, that is to say, to increase the revenues of the King and to promote the business interests of England. To this end, particular agricultural products were encouraged, while others were not; to this end, certain manufactures in the colonies were discouraged; to this end, the trade of the colonies was by law controlled in the interest of England; and to this end, in short, whenever a conflict occurred, the interest of the colony was to be subordinated to that of England. This policy was carried so far, that it was even sought by Royal proclamation to control the prices at which foreign coin should be rated for circulation in the colonies, lest the rates should be fixed to the detriment of the King and the merchants.

Such a policy, difficult of execution anywhere, unless colonists were content to be "hewers of wood and drawers of water," merely, to the people "at home," was especially difficult of practical execution in the proprietary governments that existed under chartered rights from the

Crown, conferred by letters patent under the broad seal. Conflicts of interest were of course inevitable, and the local governments being in the hands of the representatives of the Lords Proprietors, their interests were naturally enough first cared for. It followed therefrom that the Proprietary governments, in their practical operations, found favor neither with the Crown nor the business men of England, and the Proprietors being the weaker party in the struggle, it soon became a question of time only when a pretext would be found or invented for enforcing by the surrender of the charters that had been so improvidently granted, the restoration of the provinces to the Crown. Of course such a policy could last only so long as backed by superior force, and in its execution are to be found the seeds that fruited in the American Revolution of 1776.

MEMORANDUM.

In printing these volumes "copy" has been strictly followed, the Editor not feeling authorized to take any liberties with the text, a fact that will account for many readings that would otherwise seem to be the result of careless proof-reading. For example, in the Legislative Journals of 1725, John Baptism Cushe appears as the name of one of the legislators. The person intended was without doubt John Baptista Ashe, but for the reason given above the name was printed as written.

COLONIAL RECORDS.

1713.

[COUNCIL JOURNAL.]

NORTH CAROLINA

Att a Councill holden at y^e house of y^e Hon^{ble} Tho^s Pollock Esq^r in Chowan on ffryday y^e 9th day of Jan^{ry} 171³₂

Present the Hon^{ble} Tho^s Pollock, Esq^r &c

The Hon ^{bles}	{	Tho ^s Boyd	}	Esq ^r L ^{ds} Pro ^{pts} Dep ^{ty}
		Nath Chevin		
		W ^m Reed		
		Christo Gale		
		T. Knight		

Whereas by an act of Assembly Instituted an act for defraying some part of y^e publick charge It is Enacted That an Exact list of the Claims due from y^e publick within every respective precinct sho^d be exactly drawn up by y^e C^{lk} of y^e Assembly & examined & attested by the Sec^{ry} and Speaker of y^e house of Co^mons on or before y^e 25th day of Xber last and then forthwth deliver to y^e Treasurer of every respective precinct togetherwth a Due number of y^e public bills in proportion to the Debts Due in y^e said precinct as af^{sd} which said Bills shall be paid on Demand to y^e severall Claimers proportionable to their Claimes.

And whereas it doth appeare to this Board that Robert Hicks ye p^{sent} C^{lk} of y^e Ass^{bly} hath hitherto refused & neglected to draw up y^e afore^{sd} lists of Claimes, soe that it might be attested and delivered as af^d to the great Detrim^t of y^e said Claimers as well as to y^e great discouragem^t of men to serve y^e Country for y^e future and in contempt of y^e af^{sd} act.

It is therefore Ordered by this Board that y^e said Robert Hicks make his person^l appearance before this Board at y^e house of the Hon^{ble} the Presid^t on Saturday y^e 11th of this Instance Jan^{ry} to answare y^e said comp^{lt} Upon examination a Senottoway Indyan taken by one of y^e South Carolina Indyan in their march hither It dos appeare y^t y^e s^d Indyan

was sent by y^e Seneca's persuant to an order from y^e Govern^t of New. Yorke to Caution y^e Tuscaroras ag^t going to warr wth y^e English here for wth reason it is thought fitt that y^e said Indyan be purchased from ye s^d South Carolina Indyan by the publick and sent back to his owne nation and therefore it is ordered & agreed that y^e Hon^{ble} the Presid^t doe purchase y^e said Indyan on behalfe of y^e publick and take care that he be sent as afs^d that in consideration of y^e said Presid^{ts} paying for y^e said Indyan & for y^e trouble he has had wth y^e rest of y^e Indyans he doe have and take to his own use three Tuscaroro men & one Mattecumska now in his custody.

It is Ordered by this Board that y^e Comission^r appointed to make out the publick Bills of Credit doe forthwth proportion out y^e Said Bills according to y^e Debts Due from y^e publick in every p^recinct and deliver y^e same to ye severall Treasurers in each precinct together wth y^e Claimes of y^e said precinct soe Soone as they are Examined and attested persuant to y^e act of Assbly in that behalfe made and that noe father delay be made in that Case as they will answer y^e Contrary att their perrills

It appeareing to this Board that two Core Indyans taken and sent in hither from Verg^a are Slaves belonging to one M^r Drayton & one M^r Wright Inhabitants of South Carolina

It is ordered that y^e Said Indyans be delivered to Co^{ll} James Moore for y^e use and on behalfe of y^e Owners afs^d

Upon Petition of John Browne on behalfe of himselfe and und^r his comand in y^e Garrison at Shackelfords plantation praying Liberty to plant Corne on y^e said plantation

Ordered that y^e people in y^e afs^d Garrison have liberty to plant Tend & Gather Corn on y^e Said plantation dureing the time they Keep Garrison there as afs^d

Then this Board Adjourned till Monday Morne next.

Monday Morne Jan^{ry} 12th this Board mett againe present *ut supra* except T Knight

Whereas the Hon^{ble} Rich^d Sanderson Esq^r Dep^y to y^e Heyres of Seth Southell dec^d One of Lds prop^{trs} of this province hath not for a Considerable tyme past given his attendance on y^e Councill or Assembly nor given any reason why he dōs not Come

And Whereas y^e present Emergencys of y^e Governm^t require y^e said Sanderson^s attendance or some other in his stead

It is therefore Ordered by this Board that y^e said Rich^d Sanderson doe give his personall attendance at y^e next Councill (having notice thereof)

or that he be suspended in y^e Said Deputa^{co}n and some other fitt person be appointed in his stead And that y^e Sec^{ry} doe take Care to send a Copy of this Order to him—

Whereas Information has been made to this Board that Benjamin Tull under pretence of authority hath Impress'd and Kill'd severall Beefs of which he hath rendred noe account and hath in a Contemptable maner abused y^e p^{re}cinct Court of Corratuck and divers other matter of the like nature

Whereupon it is Ordered by this Board that y^e provost marsh^{ll} or his Deputy doe take y^e said Benja Tull into his Custody untill he doe give good Security to appeare at y^e next Councill to be holden at Cap^t Jn^o Hecklefields on y^e third day of y^e next Gen^l Court and in the meanwhile to be of his good behaviour.

Mad^m Catha Hyde Came before this Board and was admited to prove upon oath y^e Importation of Eight person into this Governm^t (Viz^t) Edw^d Hyde Esq^r M^{rs} Penelope Hyde W^m Clayton Jn^o Lovick Mary Tudo James Gregory, Andrew Stephenson & her selfe

Maj^r Christo Gale was allowed to prove upon oath the Importation of of ffour rights for which he has not as yet taken up any Land (Viz^t) himselfe twice his daughter Eliza and Author Harris and assigned y^e same over to Co^{ll} W^m Reed

Whereas Co^{ll} Edw^d Moseley was Instructed by the Assbly of this province to send an adress from y^e said Assembly to y^e Gov^r of Virg^a which said adress has been either Carelesly lost or otherwise Imbezled by y^e said Moseley.

Whereupon it is ordered by this Board that y^e Provost Marsh^{ll} or his Deputy doe take y^e said Moseley into his Custody untill he shall give good Security to appeare before y^e next Assbly to answer y^e afs^d Neglect and that in the mean while he of his good behaviour

It is Ordered by this Board that y^e Hon^{ble} the presid^t Doe give such Instruction as he shall think fitt to Maj^r Gale who is hereby appointed to wait on y^e Gov^r of Virg^a in order to Consert Such measures as may be thought proper in y^e disposal of w^t moneys or other things y^e Governm^t of Virg^a has Contributed towards Carrying on y^e Warr here ag^t y^e Indyan Enemy

C GALE
T KNIGHT

THO^s POLLOCK
THO^s BOYD
W^m REED
N CHEVIN

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 161.]

THO: POLLOCK TO GOV. SPOTSWOOD.

Jan^{ry} 15th 171³.

Hon^d S^r

Since mine by Charleton, I have rec^d four of yrs: on by the indians that came wth Tom Blunts brother, another by the Guard of the indian Priffoners—The 3^d by Charleton, and the laft came wth goods in the canoe: one teusday the 13th instant. And concerning our not sending in to you the indians Coheree and Hancock, I believe it never entered into Governo^r Hyds thoughts, nor mine, nor any of the Counsels that ye would have defired it. And their crimes likewise being chiefly againft this Government wee did not imagine it could give any offence to have them suffer here: And non here ever questioned but if they had been brought in to you, you would have fent them in here to have Rec^d their deferved punish^{mt}—upon receat of y^r honors' last letter, sent away a runner to Tome Blunt, to defire him to be in at M^r Cottens on the 20th instant; And likewife have appointed the bearer Major Christopher Gale, our Agent, to concert what meaffures your honor thinks moft advantageous, for carrying on the war wth what y^e Affembly hath raifed for us. Coll: Moore would lykewife willingly have come in, but the deftructions his indians make here of our Catle & Corne is intollerable, having already eat up a great deall of the corne that was rayfed by the Affembly to maintain the ware, and alfo deftroyed all the Catle wherever they have come, so that fome of the people here have been feemingly more ready to ryfe upe againft them, then march out againft the enemy. So that he is forced to march out wth them, intending, to depart from hence on faturday next, and to attact the Fort, he was at in coming in.

I am doubtfull wee f'hall be put to a ftrait for provifione for the army; all the publick corne that is left, I fear will fcarcely be fufficient for the Forces twoe months, And such a fcarcity in the Countrey that no more, I believe can be raifed, feverall people not being able to pay this last tax. So that I beleive itt will be neceffary, if you thinke to send y^r forces speedily to our affistance, that provifions be purchased for them out of the 1000th. But if you doe not send them untill our Provifione is cary^d round, then wee shall be more capable to judge what we may want—As for the 180th to be laid out in duffels (For fear of the mifcariadge of the

supply that is expected from Sth Carolina) I believe it may be convenient to reserve so much of it as may purchass three or four bariels powder & ball answera^{ble}—If your honor thinke fitting to send out y^e forces speedily, I leave it to your mature confideration, whether it may not be best, whill Coll^o Moore is attacking the further forts, that your forces fould march to Tome Blunts, and either Force him to joine his forces wth yours againft the others or attack him as ane enemy. Butt if you thinke it more fitting when some Coll^o Moore's indians (having got some flaves by taking a fort, or some other blow) have left him, then to fend out yr^e Forces to joine him to proffecute the warr wth vigoure and reduce them to a neecessity of making Peace—For I am Really persuaded that untill the Tuscaroroes have had a smart blow given them ther can be no Expectatione of a firme peace wth them. All wth I leave to y^r honors more ferious confideratione, not doubting of y^r utmost indeavor for the good and Peace of this poore distressed Country—I was much troubled to understand that the Addressf from our Affembly was not caryed in and delivered to you as I had writt, and as I certainly expected—But I hope when y^r honor hath perused the inclosed (wth is a true account of the proceedings in that affaire so far as I know, you will imput it only to my weakness and inadvertency in trust-ing too much to others: and can assure you to the best of my knowledge ther shall no falshood to your honor nor no other slipe from his pen who sincerely is

Your honors'
most obedient humble Servant

THO: POLLOCK

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 162.]

21 January 1713.

To Coll: Pollock

(From Gov: Spotswood)

Sir,

Since an interview which I took so much pains to obtain & to make easy to you, hath not been judged of such importance as either to merit your presence, or the thoughts of your Government to instruct your Agents in any one overture for promoting your Service against the Enemy: And since I perceive, both, by your letters and their discourse, that I am not to expect any provisions for the Forces desired from hence,

notwithstanding the expreff affurance thereof in your late address, I must now plainly tell you, that after having been twice thus baffled by your Affembly, I am discouraged from undertaking any thing further for your relief. And untill I understand that you have sufficient Magazines of provisions at Meherrin, Morattuck, & Jenitaatar Rivers, I shall not Resolve upon sending any forces: for I have not been used to make war after the Indian manner without any measures concerted or promises Regarded—I have made some proposals to your Agents for furnishing those provisions & Securing the Magazines, and for preserving a Communication over Morratuck River, which they will impart to you, as what I judge necessary for profecuting the War with Effect: and if you have any other proposals to offer, that may be feafable, I shal heartily concur with you in the Execution^e of them. But I would not have you build your proposals entirely on the thousand pounds, for in my opinion that sum will be scarcely sufficient for the pay, alone, of such a number of men as in prudence may venture among the Tuscarura Towns, much less to furnish provisions withall. I am sorry you did not let me know sooner, your mind in relation to ye Duffells! for you will observe by the account sent with Major Gale, that I have delivered him here, such a quantity of Cloathing as exceeds the sum given by our Afsembly above £16, besides the Charges of their transportation hitherto, occasioned by the necessity of imploying different persons to purchase them at remote places, and the hastening them hither for your service before the charge could be computed—You needed not have given yourself so much trouble to Appologize for the delay of your Afsemblies' Address: for it is the mismanagement of weighty affairs, and not the miscarriage of such Trivial matters that can effect me—

[FROM POLLOCK'S LETTER BOOK.]

Hon^d Sir

CHOWAN, Jan'y 171 $\frac{3}{4}$.

By yours of the 21st instant by Maj Gale I perceive your dissatisfaction at my not coming in. I really thought that Magor Gale and M^r Peterson might have easily offered such reasons for my stay as might have been satisfactory; as the supplying the army with provision of every kind to carry out with them; the fearing every hour of hearing of dif-

ferences and quarrels between our people and the Indians. For the Indians having destroyed all the stocks where they were ordered to be, begun to spread themselves further without orders, which put several people into such a ferment that they were more ready to Fall upon the South Carolina Indians, than march out against the enemy.

And as for our agents they had such instructions as was thought necessary, and so far as could reasonably be given, which I can easily make appear to your Honor, if—

As for your proposals which I had account of from Major Gale of your supplying your forces with provisions, on condition the Deputies, in behalf of the Lords Proprietors Mortgage all the lands on the north side of Moratock, which to the best of my knowledge, is not in our power to do, having no such power given us, neither by the Constitution, temporary laws, nor no instructions for the Lords Proprietors, that ever I see or heard of. And as for our laying up stores of provision at Meherin, Weekacainie, and pawstantare (?) Rivers, before you can march out your forces. I believe there can be little said to that until we see how our provisions holds out howsoever, shall lay your proposals before the Council as soon as I can get them together, or have their Judgments therein, and shall send in their answer. As for your not desiring me to build projects entirely on the £1000; I am not conscious to myself of projecting anything thereanent unreasonable or impracticable. For you may see in a part of a paragraph of mine to you, Dec 28th having mentioned the £1000 I add, I thought it was a good reserve for the last cast, and it was not policy to venture all at one hazard, and In another part of a paragraph of the same letter—and as soon as the army is out, and we have a little propect how affairs are like to succeed, then to send a Deputy or two to give your Honor a true state of our condition, and to agree on such measures as you shall think most advantagaus for the peace of this government; and in my last to your Honor of Jan'y 15th after having laid down the scarcety of provision in this Country, I add, I believe it will be necessary, if your Honor send out forces to our assistance that provision be purchased out of the £1000, but if you do not send them in until provision is carried round then we shall be more capable of judging what we may want: by all which you may perceive I was not pressing for the present marching out of your forces; which was for these reasons following: First, I thought Col Moore had a sufficient number of men, and that it was not prudence to venture all at one hazard, but better to reserve; Secondly, I doubted our ability in finding provision for all; Thirdly, I had some fear that your forces joining Col

Moore, quarrels and differences might arise between them, to the endangering the overthrow of the design. These were all the projections that I laid concerning the £1000, or marching out of your forces, that I knew of, and if I have erred in my judgment, I shall willingly yield to comply to what is more reasonable and practible. In the first address to your Honor I was not concerned, and in this last, tis true I signed it, and wish I were capable of performing it. And they have not only baffled your Honor and me, but also themselves, so that a considerable number of the inhabitants here are totally ruin of the government. Since trivial miscarriages do not effect your Honor, I would intreat the favor to inform me if I have been guilty of any mismanagement in weight matters, thereby I might any way incur your displeasure, that if possible it may be rectified ; for knowing your favor is of great consequence to preserve the peace and quietness of this government, have therefore endeavored all I could to procure and preserve it, I have not to my knowledge, spoke, write or done anything that may deserve contrary, and shall willingly grasp at any opportunity to rectify that I am

By William Charleton

[B. P. R. O. N. C. B. T. 7. P. 59.]

CRAVEN HOUSE Jan^{ry} y^e 26th 1712-13.

Present

Henry Duke of Beaufort Palatin

John Lord Carteret

Maurice Ashley Esq^{re}

S^r Jno. Colleton Barr^t

Jno. Danson Esq^{re}

Order'd that a Commission be prepar'd for Coll. Nicholson to enquire into the disorders of North Carolina.

That directions be sent to the President of North Carolina that the Brigantine belonging to Emanuel Low seized and condemned as forfeited to the Lords Proprietors be restored to the said E. Low or his heirs or assigns as a gift by the grace and favour of the Lords Proprietors

This Case above being not represented fully and plainly to the Lords the consideration of that matter was adjourn'd till another time

Adjourned till Saturday next to examine Coll. Rhett's accounts

CRAVEN HOUSE. Jan^{ry} y^e 31st 1712-13

Present

John Lord Carteret

Maurice Ashley Esq^{re}

S^r John Colleton Barr^t

John Danson Esq^{re}

Sign'd a Commission for Co^{ll} Nicholson to enquire into the troubles & disorders that were lately in North Carolina

Order'd that Co^{ll} Nicholson have a copy of Gov^r Hyde's Instructions &c.

Order'd that a letter be writ to Co^{ll} Polluck in answer to his two letters & to inform him that Co^{ll} Nicholson is coming with a Commⁿ to enquire into their late disorders and to command them to submit to his directions

It was agreed by the Board that the Order that no Land should be sold in Carolina for the future but what was paid for at this Board be canceled upon the settling what sum in Carolina is equivalent to £20. in London & to be further consider'd of

[B. P. R. O. B. T. PROPRIETIES. VOL. 9. Q. 30.]

31 JANUARY 1712².

His Excellency, the Most Noble Henry Duke of Beaufort Palatine, the R^t Hon^{ble} W^m Lord Craven, The R^t Hon^{ble} John Lord Carteret, The Hon^{ble} Maurice Ashley Esq^{re} Sir John Colleton Bar^t and John Danson Esq^r and the rest of the true and Absolute Lords proprietors of Carolina in America To the Hon^{ble} Francis Nicholson Esq^r Greeting.

Many Complaints having been Transmitted to us, relating to very great Disorders that have been lately committed in Her Majesty's Province of North Carolina, which Complaints tho in some Measure prov'd by Affidavits, have given us so Imperfect an Account of the said Disorders, that we were not thereby enabled, to lay the same before Her Maj^{ty} to receive Her Royal: Commands relating thereunto; To the end therefore that Her Maj^{ty} may receive a more certain Information of all those Illegal proceedings and Disorders, We reposing especial Trust and Confidence in the Ability Faithfulness and prudent Circumspection of you the said Frances Nicholson, have Nominated, Authoriz'd Constituted and Appointed, and by these presents do Nominate Authorize, Constitute and

appoint You the said Francis Nicholson, to be Our Commissioner to enquire into the aforesaid Illegal proceedings and Disorders and by a full Examination of the Affidavits and Allegations on both Sides, to Informe us what was the Occasion of them and who were the Authors or Abettors of them and to represent to Us what you shall think to be the most proper Expedient to put an end to the same; And we do hereby Authorize You after you have made enquiry into the said Disorders, to appoint such persons as you shall think most fit and proper to represent Us as Deputies in the Council of the province aforesaid; And we do hereby desire you to transmit to Us, an account of Your actings and Doings in Execution and performance of this Enquiry and Power, in Writing under your Hand and Seal, with what Convenient speed you can; And we do hereby require and Command our Deputy Governor, president of the Council Secretary Commanders in Chief and all other Officers or persons whatsoever, within the said province to Deliver or Cause to be delivered to you or to such persons as you shall appoint all such attested Copies of Records, and all Accounts and papers whatsoever relating to the premises without any Fee or Charge for the same And that they the said Deputy Governor presid^t and other persons above mentioned be at all times aiding and assisting to you the said Francis Nicholson in Execution of the power hereby granted to you as they will answer the same at their peril

Given at Craven House this 31st day of Janu^{ry} 1712-13

BEAUFORT Palatin
CARTERET
M ASHLEY
J COLLETON
J DANSON.

(Endorsed)

Rec^d }
Read } 25th Feb^{ry} 1712-13

[FROM THE VESTRY BOOK OF ST. PAUL'S PARISH, CHOWAN PRECINCT.]

At a vestry held at the Hono^{ble} Thomas Pollock's Esq^r president at his house on the West Shore in the precinct of Chowan in the province of North Carolina. Feb^{ry} y^e 6th 1712-13

It was then ordered that in pursuance of an act of Assembly dated March y^e 12th 1710 and likewise by an Order of Vestry met at the House

of the Hono^{ble} Edward Hyde Esq^r president dated December y^e 18th 1711 appointing the Collection of forty five pounds with the Charge of Collecting the said sum to be paid to the Reverend Mr John Urmston. Missionary.

These are therefore to impower you John Hardy to collect and receive of every Tythable person in the precinct of Chowan twenty pence in the Staple Commodities of the country, and to lodge the same in places convenient upon the Water, giving the said Mr Urmston Notice. and order to receive it and for the so doing you shall receive fifteen p^r Cent out of the said Collection Given under our Hands this 6th Day of Feb^r 1712-13.

Ordered upon Complaint of Mr Thomas Lee that Mr Edw^d Moseley had bought of him the said Thomas Lee. fourteen hundred feet of plank on pretence of laying a Floor and repairing the Church on the North Shore in this precinct, and now refused to pay for the same, and therefore upon Application made, t'was then to be entred in the Vestry Book that We the Vestrymen for the said precinct are of opinion the said M^r Moseley is indebted and obliged to pay for the same and not the parish there appearing no order of Vestry for the purchase of the said plank, neither hath it been applied as pretended, but is wasted or destroyed and rendered useless.

That Mr Edward Moseley refund the three pounds, received of the Vestry on Account of Richard Booth to the Church Wardens for this year. the same appearing not due to the said Richard Booth.

That M^r John Bird and M^r Samuel Patchet be and are hereby chosen and appointed to be Church Wardens of this precinct for the year ensuing.

Ordered that Thomas Wess be Clerk of the Vestry and be allowed as formerly.

Ordered that the Church Wardens for the year ensuing demand of the Executor of M^r Robert Fendall deceed twelve pounds which the said Robert Fendall collected for the use of this precinct, and in Case of Refusal to Sue him for the Same.

That the Bible now in the Custody of M^r Nicholas Crisp be delivered to Maj^r Thom^s Luten. he obliging himself to see it forth-coming. The Gift of the Hono^{ble} Society de propogandâ &c by the Reverend M^r Urmston.

That the Bible now in the Custody of M^r Thomas Lee be delivered to the Vestry when demanded.

That the Standard of Weights and Measures is committed into the Custody of M^r Thomas Peterson and that he demand and receive the same wherever they be and that the said M^r Thomas Peterson give an account thereof to the next Vestry.

That Cap^t Robert West and Cap^t David Henderson be and are hereby chosen Vestrymen in the room of the Hon^{ble} Edward Hyde Esq^r our late Gov^r and M^r John Walker deceased—

That M^r Thomas Peterson and M^r Thomas Lee do Sue M^r Edward Moseley pursuant to a former Order of Vestry for the money in his Hands which was given for the purchase of Church plate.

THOMAS PETERSON	THOMAS POLLOCK
THOMAS LEE	THOMAS LEUTEN
WILLIAM DUCKENFIELD	LEONARD LOFTIN.
JOHN BIRD.	

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 137.—EXTRACT.]

COL SPOTSWOOD TO LDS OF TRADE 11 FEB 1712-3.

VIRGINIA 11 Feb^r 171 $\frac{2}{3}$

My Lords

* * * * *

The honour your Lordships have done me in approving my Conduct in relation to the Civil Dissentions in North Carolina is the Greatest encouragement I at present have for the continuance of my endeavours to assist that unhappy Country I wish I could have received from your Lord^{sh} Board directions for my better guidance in a matter of far greater consequence, I mean that of their Indian war which would have been so much the more necessary in regard to the difficulties I have to struggle with here: for such is the natural Disposition of the people towards aiding their neighbours, that I can very assuredly informe your Lordsp^a that I am the only person of the Government that ever proposes giving any assistance to North Carolina in its distresses, and must alone furnish the arguments to obtain the Councils concurrence or to procure any sup-
plys from the Burgesses: besides that whatever I undertake in behalf of that distracted Country I am forced to push on with a great deal of trouble and expense to myself. On the other hand there reigns such stupidity and Dissention in the Government of North Carolina that it can neither concert any measures nor perform any engagements for its own Security.

For upon a representation from the President Council & Assembly of that Province of their miserable Circumstances which I immediately laid before our Assembly with all the Exhortations I could use to move their pity in their distressed Fellow Subjects (as your Lord^{ps} may find in the 29th page of the Assemblys Journal) All I have been able to obtain from our House of Burgesses is only the sum of a thousand pounds, and nine hundred yards of Coarse Cloathing for the poor people that have been plundered by the Heathen, and (as it was represented) would be obliged to ly out in the woods for the protection of the remaining part of the Province against their incursions in the Winter Season, Our Burgesses looking on that Province as the Author of its own Misery, by the continued Disorders in the Government and the Licentiousness of the People, and tho in the Address they say they have given the supply with cheerful hearts, yet the struggle with which it passed in their House is an evidence of their disinclination however it must be acknowledged that this inconsiderable Sum tho' unequal to the charge necessary for Subduing that barbarous Enemy, is nevertheless the greatest Donative ever given by an Assembly here to be expended out of the Country. I am now Endeavouring to lay out this small supply to the best Advantage as soon as the season of the year will favour an expedition against the Indians and should have hoped by the assistance of the forces sent from South Carolina (which consist of eight hundred and fifty Indians and thirty three white men) to have reduced the enemy had the Government of North Carolina done their part. But notwithstanding the assurance given by their assembly in their Address (whereof I send your Lord^{ps} a copy) that they would supply with provisions and the charge of Transportation what Forces should be sent from hence to their Assistance: Upon a conference which I had with some Agents from that Governments about three week ago they plainly told me that they furnish neither: nor could they make any proposals to me either for helping themselves or enabling me to do it. And tho at their request I have supplied 'em with the Cloathing which was intended for three hundred men to go out against the Indians they cannot now find one hundred in the whole province to go on that expedition. Some deserting the Country others absconding and the rest sheltering themselves under the Masque of Quakerism. Such gross mismanagements as these have in a great measure been the Occasion of their unhappy Circumstances & must entail on them further miserys if any accident should happen to the Gentleman who commands the South Carolina Indians. For as they are made up of a great many different nations and kept together by the sole

Authority of that single person there is no question to be made but that if he should fall or receive any considerable disadvantage in his attempt upon the Tuscaruros all these Indians would immediately disperse and leave their friends in a much worse condition than they found 'em having already committed very great disorder in the Country through which they passed from which no authority of their officers could restrain them

* * * *

A SPOTSWOOD

[FROM SPOTSWOOD LETTERS. VOL. 2. P. 2.]

GOV. SPOTSWOOD TO THE LORDS PROPRIETORS.

February 11, 1712 [1713].

To the Lords Proprietors of Carolina:

MY LORDS:

Since I have undertaken to concern myself in ye Affairs of yo'r Lord'ps' province of No. Carolina, in my Neighbourhood, I think myself oblig'd to give y'r Lord'ps an account thereof from time to time, more especially in ye present Conjunction, while the people labour under the presure of an Indian War; and, passing by sundry transactions I have heretofore had w'th that Govern'm't, (because a relation thereof might be as disagreeable to yo'r Lord'ps as they have been to me), I shall only mention what is at present in Agitation for ye relief of y't unhappy people.

About the begining of last Novem'r I receiv'd a representation from ye President, Council and Burgesses of No. Carolina, setting forth their deplorable Circumstances, and praying some Assistance from hence. I immediately layed it before our Assembly, then sitting, and that I may avoid troubling yo'r Lord'ps with a long Narrative of the Success thereof, I send herewith a Copy of the proceedings thereupon, which y'r Lord'ps may peruse at y'r Leisure. I shall only briefly tell y'r Lord'ps that with much ado I prevail'd with our Assembly to support y'r Lord'ps' province with Cloathing for 300 Men, and to raise £1,000 for their further relief in such man'r as I should judge proper. Y'r Lord'ps will easily imagine that a Sum so disproportionate to the exigency of Affairs (tho' it must be confesed to be the greatest that ever an Assembly of Virginia gave to be employ'd out of the Country), requir'd a more than ordinary frugality in the managem't thereof to render it effectual for the

intended Service. For this purpose I thought it necessary to desire a Conference with y'r Lord'ps' Deputys, at some place which they should think most convenient, to concert proper measures for employing this small supply, being in hopes, with the addition of provisions which the Assembly of No. Carolina had engag'd to furnish, I might be enabled to furnish such a body of men to their relief as might in a great measure have dispers'd the Enemy and given some relaxation to their troubles; but whether the arrival of the succours from So. Carolina in the meantime under Colo. James Moore, (consisting, as he informs me, of 850 Indians and 33 white men), made them believe they should have no further occasion of my Assistance, or by what other unaccountable humour they were guided, I cannot determine, but it was above Two Months before I could prevail with them to give me a Meeting, and then, Notwithstanding I took the Trouble of a Long Journey to a place where Mr. President Pollock might easily have come by water, I only found there Major Gale and one Mr. Petterson, but both so far from having any power or Instructions to propose anything for the Service of the Country, that all I found they had to tell me was y't I could expect no provisions from them; that their men had all either deserted the Governm't, absconded in it, or shelter'd themselves under ye Masque of Quakerism, to excuse their bearing arms; and that now they had got the Cloathing, which I have deliver'd to them, they had no men to use them. So that being disappointed both of the provisions I had been promis'd, and of the Assistance of men to Act in Conjunction with what I intended to raise, and every man at the conference agreeing y't if the Charge of the Provisions was to be taken out of ye £1,000 the remaind'r would not suffice to pay such a number of men as in prudence I ought to venture into the Tuscouroro Country; and lastly, all concluding that without some speedy measures taken for the relief of that Province, ye greatest part thereof would be abandon'd to the Indians; I then offer'd to supply the Charge of provisions out of her Maj't's revenue of q't rents of this Colony, provided y'r Lord'ps' Deputys would engag'd to her Maj'tie all the Lands to ye Northward of Roanoake River and Chowan Sound, for ye repaym't thereof within three y'rs. This could have been no risque to y'r Lord'ps If y'r Deputys had any faith on the public Engagem'ts of their Assembly; or, if that should not have prov'd a sufficient Security to discharge ye Debt, y'r Lord'ps had then three Years either to Continue the paym't of it some other way, or to Obtain her Maj't's fav'r to remit it entirely. On the other hand I only run ye hazard of incurring her Maj't's Displeasure, by breaking upon a positive Instruction, which

restrains me from disposing of any part of that Revenue without a particular Warrant. I told Major Gale and Mr. Peterson at parting, and wrote by them to the president, that I could not proceed to raise men till provisions were ready for their Subsistance; and I press'd a speedy Resolution; but I have now waited 3 weeks without receiving any answer, and hereby all measures for their Assistance from hence are at a Stop. I cannot but apprehend the ill consequence of this unseasonable delay, for if Colo. Moore should meet w'th any Considerable disadvantage in his Attempt upon the Tuscoururo Towns, it is not to be imagin'd that a body of Men, peic'd up of so many nations of Savages as his is, should be kept together after being once baffled. Nay, if Colo. Moore alone should happen to miscarry, they would immediately disperse, and such a disorderly multitude, let loose among the Inhabitants, would prove as destructive as the Enemy; Since experience has already show'd how little of discipline or Rule there is among them, and that even Colo. Moore's presence and authority Could not restrain them from such ravages among the stocks of y'r People, where they were quarter'd, as, (if President Pollock informs me aright), hath more exasperated the Inhabitants ag't these Auxiliarys than against the Tuscaruros, their Enemy.

[FROM N. C. LETTER BOOK. S. P. G.]

MR RAINSFORD TO THE SECRETARY

CHOWAN NO CAROLINA

17 Feby 171²₁₃

Hon^{ble} Sir

Since my last to you on the 25th of July with deep concern I am forced to tell you that this Country has been miserably reduced by Indian cruelty the Inhabitants are brought to so low an ebb by this unhappy war that rather than expose themselves to their enemies they have most of them quitted their plantations and entirely thrown themselves on the Virginians for relief The Governor of South Carolina has sent Eleven hundred Indians in order to relieve this Government and Col Pollock our President with his council have levied Five pounds on every titheable 6 bushels of corn a quarter part of all their wheat for the maintenance and support of these Ashley River Indians The stocks of our English Inhabitants are all destroyed by their coming to this Country and their

poverty is so great that Virginia has given £1000 Sterling to relieve them with 900 yards of Duffle to cloath them so that should they conquer their Enemies without the Charitable support of the proprietors they can never afterwards be able to subsist. This is a true account of the miserable state the Country now labours under as may appear by Governor Spotswood's hint in the inclosed to me. I have already been taken by the Savages in my Journey to one Adams to preach and after a little Conference let go, but guarded by two of them out of the parts. There's scarce a Man even on the North Shore of Chowan River (which borders on Virginia) to be found, and that for the women they wont leave their plantations to go to a house where I make an appointment, to preach. So that very little good at the present juncture can be expected from us. Indeed I have been visited with a terrible seasoning to the great hazard of my life being given over for 3 months together by those that beheld me but it has pleased God to restore me to my former health. The danger of Living here at present is such, that it has obliged me to petition the Governor of Virginia for a living in his parts for six months only, which upon mature deliberation, Hoping that the disorders of the country in that time may be composed, he has condescended to gratify me but with great caution to the Venerable Society whose Missionaries he would no way be supposed to remove I am entertained in Surry parish for the time mentioned conditionally That I return to my duty upon the first happy opportunity of a peace which I have promised to do and by my future diligence I hope I shall answer the pious intentions of the Societys sending me over. I am not so remote but a days Journey will fetch Carolina, and I shall be sent for on any occasion (by Mr. Garrat) where my duty calls. for my appearance, my agreement with the people of Surry is from the 25th of March to the succeeding Michaelmas and no longer; and if the Society think fit to stop my salary for that $\frac{1}{2}$ year I must acquiesce and submit to their pleasure; a principle of conscience obliged me to lay before you my proceedings or otherwise I must receive the Societys money as Mr. Urnstone does who has bought a plantation on the confines of Virginia and lives to his satisfaction on the plentiful Income of what the Society allows him, were it in his power to do the Society the services they might expect, yet he has so exposed himself to popular hatred by his wretched way of begging and other indiscretions, I am unwilling to mention, That no single person in the Government will attend his appointment on the score of this selfish principle. I have enclosed the late Governor Hide's letter to me before ever I had seen him with a design the Society should no way be imposed upon where I have

an interest I desire no Missionary may be sent over here since I have no way quitted their service only by being forced to it as I may properly say in a time of persecution New Castle in pensilvania is vacant by the removal of M^r Sinclare and should be extreme thankful should the Society be pleased to order me there I wish Sir you would propose it at a General Meeting for I am very uneasy to be hindered from my duty by these unhappy differences. I have drawn upon M^r Hodges our Treasurer for my half years salary ending 25th March next and do almost hope I may receive the succeeding half year. I mean till Michas upon condition I'm ready to attend my duty here on the least notice when occasion requires me—On the account of my late indisposition I have been able only to Catechise children and baptize six Negroes with the advantage of what Good I might do thro' God's blessing by preaching and conference I might truly have starved and been lost were it not for M^r Edmond Kearney a Merchant of Hampton, I mentioned in my last who took great care to supply me with money and necessaries in my late sickness, which mightily reduced my stock by gratifying the Christians and obliged me to take from him this half year's salary beforehand I design to deal with him entirely while I am in your service and not do as some Missionaries continue to buy Goods in London and so neglect the true ends of their Mission, by attending their Markets here to the great scandal of their profession, I earnestly request that you would please to speak to M^r Hodges, that my bills may be honored on the very day of payment since M^r Kearney's civilities to me have been almost inexpressible I have nothing more to add but that I am with all truly Christian gratitude for favors already done me

Your most obliged &c

GILES RAINFORD

[FROM POLLOCK'S LETTER BOOK.]

CHOWAN Feb 20th 171³/₈

Hon^d Sir

Yours by Col Moore, and your likewise by your sloop, received: by both which your prudent application and indefatigable pains, for our preservation is most evident: and I am in great hopes that your forces, under the conduct of so wise and discreet a commander as Col Moore seems to be, will have the desired effect of reducing our enemies to a necessity of making peace on reasonable terms, or of forcing them out

of the country. We were at a loss on Col. Moore first coming, for our men that we had sent out in August and September in expectation of the coming in of some of the forces and staying untill November had eat up almost all the wheat and other provisions sent round and our Assembly would not consent to send round to Neuse a Sloop almost laden with wheat and potatoes which I had stopped with intention to send here round, neither would they be persuaded your forces would come at all. So that when your forces arrived, thought it best to have them come and stay to refresh themselves in Albemarle County until provisions could be carried round. And likewise having come to some preliminary articles of agreement with some of the chief men of the Tuscaroras who had promised to kill and bring in the heads or scalps of all our Enemy Indians that were concerned in the war against us, against the first of January then next ensuing, or ways hostages for every fort, so was willing to see whither these Indians would perform their agreement; but provision being got round to Neuse, and these Indians not coming as they had promised, Col. Moore Marched out with the forces from hence the 17th of last month, and marched out from Reading's Fort in Pamlico River the 4th of this month, having been stopped there by extraordinary deep snow and bad weather several days. They carried out from hence as much provision as they would, and there is sent round to Neuse about 2200 bushels of corn, and 3 or 400 more ready to be sent round; and likewise for fear of want we have laid an embargo on all vessels here until 2000 bushels corn more is raised and 100 barrels of pork, so that I am in great hopes your forces will want provisions.

Governor Spotswood with great struggling and difficulty obtained at last from his assembly 180 pounds to be laid out in duffels and other coarse woollen for the clothing of our people that went out in the army, and likewise 1000 pounds more to be managed by him for our assistance in carrying on the war. The coarse woollen we we have had, and he seems very willing to March out his forces to our assistance; but, provision being scarce, we may fall short of supplying either force, and so may lose the benefit of both; and also doubting if the forces join their may chance some differences fall out to the hindrance and detriment of the action, above all your having been at great charge and much trouble in assisting us, and having sent in now sufficient forces, by God's assistance, to finish the war; now for others to come in seemingly to the end of the war to participate the action with you, seems to me a little unreasonable, and would seem ungrateful in us to our deliverers. Upon which reasons have delayed matters with him until we see how provisions hold

out, and how prosperous Col Moore with your forces may be against our enemies. with my utmost gratitude accept of Your Honor's wholesome advice in relation to M^r Moseley, and should act very unwisely to for him here, knowing him so well as I do, for I know he was the chief contriver and carry-er on of Col. Cary's rebellion against President Glover, and likewise of the difference between Governor Hyde and Col. Cary, and also, as I can gather from the best intelligence I can have, the chief instrument that occasioned the difference between our Governor and Col Barnwell, as likewise of his not taking the fort of Cotechney it being very visible to any thinking man that he endeavored all he could to blacken Governor Hyde's administration, thereby to endeavor a change of Government; and being as may be reasonably imagined, in hopes that such an address as he had procured from our assembly to send to the Lords Proprietors in favour of Col. Barnwell might be an inducement to them to grant him the administration; and then they two, with the interest of the Quakers who are the chief moulders of the assemblies here, might have carried matters on here at their pleasure.

as for Col Barnwell's proceeding and behaviour here I will endeavor to inform myself what I can therein, and, if any thing material, will send it by the next return of your sloop. Only his transactions here with M^r Moseley, albeit so open in their effects yet have been managed so closely, that unless that letter that he received from M^r Moseley some two or three days before his making that sham peace with the Indians, could be procured, it will be difficult to make any discovery of it. As for news our latest from Verginia is their daily expectation of Brigadier Nicholson from England with the title of Visitor General of all his Majesty's plantations on the continent of America. From Verginia, they give out, that he is to go next to South Carolina.

I am very doubtful the forces will be short of amunition; for Col. Moore at his arrival gave account [of] but about 300 lbs powder that he had left, which with 300 lbs he had of me, and 100 lbs from Verginia, and 200 that Col MacKey had left of mine at Bath County, is in all 900 lbs powder with shot answerable, which with the 600 lbs you sent in now, I doubt, will not sufficient, if they continue any time here, (the Indians wasting powder at an extraordinary rate). And I should be very unwilling to press on the governor of Verginia to have it out of the thousand pounds given by the assembly there, he having already given me account that he intends it only for the pay of what forces he sends to our assistance, of which I wish we may have no occasion; all which I leave to your Honor's prudent consideration.

as for the payment of the sloop I have taken all the care I can, and am promised twenty barrels pork to be sent now in the sloop, and most of the remainder I hope will be ready in other country pay, pork and corn being very scarce this year here.

Hon^d Sir If you knew the great trouble, vexation, and uneasiness I endure, I am sure you would pity me: all lying on my shoulders, But shall not fail to do my utmost endeavor for the safety of the country, and the good of the poor people, and leave the success to divine providence, being in great hopes that your forces will bring us in a short time peace and quietness, and you the honor of conquering our enemies; which is earnestly desired by

This letter was sent out in the Ashley River, M^r Aquilla Paul commander, to Governor Craven, Feb 27, 1713.

[FROM POLLOCK'S LETTER BOOK.]

FEBRUARY 24th 1713.

Hon^d Sir

Your's from Reading's Fort received, and am very glad your men were all so well and hearty after such a bad spell of weather, and am still doubtful, the weather and ways have been so bad since, and so much difficulty of getting provision from Fort Barnwell, that you could do little of action yet.

I have account of 2200 or 2300 bushels of corn sent round, some small matter more to be sent round, of the public, but doubting it will not be sufficient have laid and embargo on all vessels 2000 bushels of corn moor is raised and 100 barrels pork, which I hope will go near to last until some of their Forts are taken. Tom Blount coming here this day with a letter brought by four of his Indians from Albany, a copy whereof have sent you; so hope there is no great danger of the seneca Idians, coming to help the Enemy. The Indians at weekacanne, I understand, are join? of Tom Blount, and he pretends that he will not help nor join any of the other Indians, who he says are still in their forts. I have great reason to believe he is real, and hope we shall find him so. Our latest news from Verginia gives us account of the daily expectation they have of Brigadier Nicholson, under the title of Visitor General of all Her Majesty's Plantations on the continent of America. From thence,

it is reported, he is to go South Carolina. The South Carolina packet-boat hath stayed here longer than I expected or intended, by reason of the badness of the weather and contrary winds, from Little River, she bring you ten barrels of beef and two barrels of salt for the Army. I hope it will not be long before you have more meat round, and have ordered Commissary Green to supply what he can, wherever to be had. Likewise have ordered what provisions is in Captain Royals' Sloop to be and sent to you; I can assure you I shall do what lies in my power for the supply of your forces. Pray let us hear from you by all opportunities, for your good success is Earnestly desired by

Hon^d Sir

Your most obedient humble servant

THOMAS POLLOCK.

This letter was sent to the Fork of Neuse by M^r Aquilla Pauli, Master of the South Carolina, who sailed from here Feb. 27th 171 $\frac{1}{2}$.

[B. P. R. O. B. T. VIRGINIA. VOL. 58.—EXTRACTS.]

VIRGINIA—JOURNAL OF THE COUNCIL.

At a Council held at the Capitol
the 5th day of March 1713.

The Governor having this day laid before the Council the several Letters that have passed between him and Colonel Pollock President of North Carolina in relation to the assisting that Province as far as the money given by the late General Assembly here would permitt and also communicating to this Board the subject matter of a conference held at South Key which was intended and desired by the Governor in order to concert proper measures for expending that small supply in the best manner for carrying on the service against the Indian Enemy but that upon Colonels Pollocks failing to meet and giving no authority to the agents sent by him to enter into any engagements or make any overtures on the part of that Government and their expressly refusing to furnish provisions for any Forces to be sent from hence to their assistance notwithstanding the engagements of their Assembly to supply such provisions together with the charge of Transportation of the Forces. The Governor was pleased to acquaint this Board that he did not think it advisable to proceed any

further in levying Forces to be sent to the assistance of Carolina since the Fund given by the Assembly of Virginia is insufficient to furnish the pay and provisions of such a number of men as can in prudence be ventured to attack the Tuscaruro Towns and thereupon desiring the advice of this Board what further Methods can be taken either for assisting Carolina or for defending our own Frontiers since the Indians have lately committed three several murders on the Frontier Inhabitants of this Colony. Upon consideration of all which the Council are unanimously of Opinion that since the Government of North Carolina have contrary to their Engagements refused to furnish provisions for any Forces that should be sent from hence to their assistance especially when by their conjunction with the Forces sent into [from] South Carolina it might have been hoped a speedy end would have been put to the War. It is in vain to depend any longer on the Engagements of the Government nor is it practicable with so small a Fund to pay and subsist such a body of men as is necessary to attack with effect such a numerous Enemy as the Tuscaruros are. And therefore all this Government can do under the present circumstances is to defend the Frontiers of this Colony against the incursions of the said Tuscaruros and to prevent their obtaining any subsistence by their hunting on our Frontiers while the South Carolina Indians are attacking them on the other side.

[FROM POLLOCK'S LETTER BOOK.]

May it please your Excellency.

NORTH CAROLINA March 6th 171 $\frac{2}{3}$.

This accompanies a letter from me and the Council; for having seen a letter from you to governor Hyde date May 12th 1712, wherein you intimate that if their be occasion of the interposition of the five Nations as towards making peace with the Tuscarora Indians, that there will be occasion of money sent from this government to make presents to the Indians and to bear the charges of the person or persons the Indians will want to accompany them to Carolina; to which I doubt not governor Hyde hath fully answered, laying down the poverty and inability of the country to raise any considerable sum, our own divisions and this Indian war having much impoverished the country; and also to fly to the Indians and hire them to be mediators of a peace, unless extreame ne-

cessity forces, would be derogatory to Her Majesty's honor, and might encourage the five nations to set Indians against Her Majesty's subjects, for their own advantage. Howsoever, if extremity reduces us to such a necessity, which I pray God may not be, we must fly to your Excellency.

also I understand, by a letter from M^r Secretary Clarke to our late Governor Hyde, dated the 21st of August last, that Col Schuyler should report from the five nations, that some of their Indians, who were a hunting toward Carolina, were taken and some hanged, which is certainly a false report, our people having never taken, killed, or hanged any of the five nations that ever I heard of. And to convince them of contrary, Col. James Moore, in his coming here from South Carolina, met with a party of Tuscaroras Indians killed 8 of them, and took one prisoner who was one of the five nations; which as soon as I understand, I purchased the said Indian, named Anethae, and having no other way to send him to his own country but by this vessel, would entreat the favor of your Excellency to get him conveyed safe to his own Country, that they may see and know the falsity of these reports.

As to the making clear to the five nations that the Tuscaroras were the first causes of the war, I doubt not but Governor Hyde hath given you a full account of their taking Baron Graffenried a swiss nobleman, who came here to settle a colony of switzers and Palatines; and one M^r Lawson, our General Surveyor Lawson, they killed after a barbarous manner, and in five or six days after massacred and took about 130 or 140 of our people, and all without any cause that we know of, or any complaint made unto the government and after they had made a sort of sham peace with Col Barnwell, they in a very few days boke it, and have continued hostilities ever since, until the latter end of November last; at which time some of the great men from six of their Fort came in, with whom we came to some preliminary articles of agreement, amongst which one was, that they would cut off all the Core and Coteching Indians and all others that had any hand in the massacre of the English, betwixt then and the first of January then next ensuing; and if they could not accomplish it by that time, they oblidge themselves to bring in six hostages from each of the aforesaid Forts. Presently after this agreement we heard of Col Moore and the South Carolina forces arrival at the Neuse River, and had him in amongst us and kept him and his forces, being upward of nine hundred men, from the beginning of December until the Twentieth of January to see if the Tuscaroras would keep their agreement, which they did not. So Col Moore, with the South Carolina forces and some of our went out against them, and lie now against one of

their strongest Forts. wherein, (by what Intelligence we can have) there is not less than three or four hundred men. If your Excellency had the opportunity of sending the cowhorn mortar that Governor Craven writ for they would now have been of great use.

While I was writing this, one Tom Blount, the chief man of one of the Tuscaroroe Forts which is next to us, who hath pretended all along that he was not concerned with the other Tuscaroroes against the English, and with whom we have had no hostility all this time, came in to me with letters from your Commissioners for Indian affairs from albany (a copy whereof have herewith sent your Excellency) which, he says, four of his Indians brought him from thence. Notwithstanding which letter I have lately had information that several of the Five Nations are now among the Tuscaroroes; which wants yet confirmation I hope your Excellency will take what care you can to hinder the five Nations from joining or assisting our Enemies with armes or ammunition.

The honor of your Excellency's answer by the first opportunity here, or by the way of the Governor of Verginia, will highly oblige

Your Excellency's &c

Sent out by M^r Sears, Merchant, of a New York sloop here, who carried likewise the Seneca Indian.

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 163.]

GOV. SPOTSWOOD TO GOV. POLLOCK ABOUT INDIAN AFFAIRS.

To Coll^o Pollock,

8 March 1713

S^{ir}

You do me too much honor, in laying so great Stress upon my favour, especially since I perceive you do't intend I should show it by any present undertaking in yr: behalf. I rejoice very much to hear your affairs are not in that extreme necessity and apprehended them to be at ye time of yr: Assemblys' address & am glad you have now such number of South Carolina Forces, as may be sufficient to do ye work effectually without ye assistance of Virginia. The Earnestness with w^{ch} I pressed the conference at South Key & ye concern I showed upon ye dis-appointment I mett with there, was purely out of Consideration of the

distressed condition of your People, and my earnest desire to contribute to their Relief—I sincerely wish y^r Judgment may prove just & that ye S^o Carolina forces may have no occasion to be joined with any from hence, for I'm afraid the Thousand pounds supply will prove but a poor Reserve, in case of any miscarriage. But whatever happen, I shal heartily Joine any endeavours to assist yr: province as far in me lyes, & for that end shal be ready on my part, to preserve with you a friendly correspondence, and on all occasions to testify that I am

&c &c

Just now I have rec^d advice that the Tuscaroroës have surprised & rob'ed our Traders going to the Western Indians—I'm very little concerned for their loss, because they engaged to go so strong & to march so far wide of the Tufks, as not to be in danger of any attack. But I'm extremely troubled lest the enemy have by this means, got a greater quty: of ammunition than I could have wished—since I understand you are in such want of powder. I shal endeavour to send to Jno: Cottens by ye 18th instant four barrells of powder, w^{ch} may be carryed down to you by ye Canoes, in w^{ch} M^{rs} Hyde informs me she designs to come up at that time, and hope you will have some careful person there to receive this supply—

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 165.]

To Coll^o Pollock,
S^r

VIRGINIA March 19th 1713

Capt: Jones informing me of his intended Journey your way, I take this opportunity to let you know, that after divers applications from some of the Tufca^m Indians, who say they left yr: Government on the first breaking out of the war & have since remained dispersed on our Frontiers, I judged it necessary to bring under some Regulation such a number of disorderly people; who declared themselves, resolved not to return or submitt to yr: Govern^{mt} and agst whose attempts the people of this Country could no otherwise be secure—The disposition I have made of removing them so far from you & placing our Tributarys between them and yr: Frontiers, with a constant Guard of white men at their Towns, both of the one & the other, I doubt not will satisfy all indifferent persons of the care taken to render yr Govern^{mt} secure agst all their Designs for the future, & the stipulation of delivering up such as were notori-

ously guilty of the Mafsacre,—will convince you how much I desire to do juftice on thofe Rogues. As I have never held any correspondence with yr: Indians or Other Inhabitants without communicating the same to Coll: Hyde and ſince his death to yr: Self, ſo I have now given Capt: Jones a Copy of the Treaty with theſe Indians, whereby you may be informed of every particular of this Transaction.

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 165.]

27 March 1713

S^r

Ye 20th of this infant I attack No-ho-ro-co fort, on C * * * *
Creek & ye 23^d In ye morning took itt, with y^e Loss of 22 Whit men
& 24 more wond'd—35 Indians Kill'd & 58 wond'ed—Moſt of ye Dam-
age wee Rece^d after wee had Gott ye fort to ye Ground, which we Did
in y^e firſt 3 hours—I have Little elſe to adviſe y^r Hon^{rs} but that ye Qu^t
of ye Ememies Deſtroyed is af follows—Prifſoners 392, Scolps 192, out
of ye ſd: fort—& att Leaſt 200 Kill'd & Burnt In ye fort—& 166
Kill'd & taken out of ye fort on ye Scout, which is all; but My Serviſ
to Capt: Jones, from your Hon^{rs} ob^{dt} Serv^t

JA: MOORE

[FROM POLLOCK'S LETTER BOOK.]

A copy ſent in to M^r Drinkwater to be ſent to New Bern by —

March 31st 1713

HON^d SIR

This day by yours of the 26th iſtant had the joyful news of your great victory over our Enemy Indians, which, as it will I hope be a great means to bring ſafety and peace to this country, ſo it will redound much to your honor to have been the chief iſtrument of ſo great and good a work. But as the beſt of metals is mixed with ſome alloy, ſo the joy-fulleſt news many times with qualifying circumſtances; as my not hearing from Captⁿ Maule nor none of his company makes me doubt that he and moſt of his company are killed or wounded.

Your offer of Continuance of your ſervice for the good of this poor Country is noble and generous, and I heartily wiſh we could have the

happiness to have you stay amongst us until the war is finished. And as for my judgment of what measures are most requisite in this present juncture of affairs, I think to the uttermost of our power this blow ought to be vigorously followed up until our enemies are forced to submit themselves. To do which there is wanting more white men, more Indians, and more provision. As for white men, you know how difficult it will be to raise any number out of this country, but know not some may be had out of Virginia, of which it may be now time to concert measures with the government there. As for more Indians, it seems some accident hath hindered those 200 that Governor Craven writ of were coming. And if you send for any more now, it will I believe be July or August before we can expect them here. So we must consider what we must do for provision for them. We have a sloop with 800 bushels corne, 32 barrells meat, and some tobacco, now coming round, as I am informed, which I believe might be sufficient to maintain the forces now with you until August next: and I believe with some pains their might be 4 or 500 bushels corne now raised. Now wither you think this 4 or 500 bushels corne, with what new corn and peaches may be had at the Indian towns, and what wheat may be had of the people here, (which I doubt would be but little) would last until our new corn is gathered and carried round, which I believe might be enough, the 500 bushels corn before mentioned will keep them and the forces you have with you one month, and it will be hard if what corn and peaches may be had at the Indian towns, and what wheat may be had amongst the people here will not last them two months more until new corn can be got round to them. So that albeit I durst not not engage, yet if you send for such a number of Indians, you may assure yourself there shall be no want of my endeavors to supply them. For I am really in the mind our Enemies will hardly put any more trust in their forts, but rather trust to the swamps and pocossuns, where the Indians are better than the whites.

I have given a rough and unpolished account of the state of our Country, and of their ability in carrying on the war, to the best of my knowledge with my own opinion that this blow is vigorously to be followed. Now I leave it to your prudent consideration, what number of Indians you think will be convenient to send for, and how you think our provision will hold out. Also, if we have any white men from Virginia, I doubt we must expect little more supply of ammunition for the money raised there will be for paying of their forces, so ammunition must be had from South Carolina. I have much more to write, but the hastening away the post hinders me, and makes me write so confusedly, which hope you will excuse.

I have ordered the Council to met here the 15th of April, where and which time I would humbly entreat the honor of your company to concert together the proper measures for the peace and safety of this Country. I have likewise taken care to provide a messenger to carry your letter to the Governor of Verginia, and I doubt not you will have an answer in by that time.

Also some Matamaskite Indians disturbing the people at Matchepungo, and as informed, there being some Cores about Mackayes, now if you think part of your Indians may be spared from Neuse, I believe they may be of service there; which I leave to your consideration. Only if you send any to Pamptico, you must order the sloop with the corn to carry so much of it round to Pemptico as you shall see convenient for their subsistance. And I believe if Tom Blount should come in, and submit to such articles as we shall propose, if it be in two or three weeks, we shall have time to send to Governor Craven to stop the Indians coming in that may be sent. All which may be considered at your coming. I shall add no more but that I sincerely am—

Postscript

Sir Pray if Capt Maule be alive, give my humble respects to him and all your officers.

[FROM POLLOCK'S LETTER BOOK.]

CHOWAN April 2^d 1713.

Hon^d Sir

Yours of the 15th of last month with the four barrels powder received; for your Honors speedy care about which and the assurance you give us of more supply if we have occasion, I acknowledge myself extremely obliged.

I was of the same apprehension with your Honor as to the fatal consequences that in probability would have followed if Col. Moore's design on the Fort had miscarried for want of provision, ammunition or any other matter. But (praised be God) that fear is now over. For Col Moore, by his letter of March 26th which came to hand but night before last, gives me account that they have taken and killed 800 Indians at least in the Fort, and of ours 200 hundred white men killed and 24 wounded. 36 of our Indians killed and 58 wounded. He believes it was as hard a battle as was ever fought against Indians. I have not yet the particular account of the action, so can give no further account of it.

It has fallen out, as I conjectured, that Col. Moore's Indians, upon taking the Fort and getting some slaves, would march, the most part of them, home with their booty, so they have now all gone home, only 180 that stay with him about Neuse River, where he is now expecting our resolutions, and most generously offers the continuance of his service for the defence of the country. So I have appointed a meeting of the council the 15th of this Instant and expect Col Moore will be with us by that time.

Now in my judgment this blow ought to be vigorously followed, until the Indians submit themselves. To do which there is wanted men, provisions, and ammunition; sufficiency of neither of which is to be raised or had in this government. So that we have no other way but either to lie still and wait until we see if the Indians will come in of themselves, and make peace with us; or apply ourselves to our neighboring Governments for succor, that is to your Honor and the government of South Carolina. Now if we apply ourselves to the government of South Carolina for more Indians, we could not expect them here before August at soonest: which tis true would be a good time to destroy our enemy's corn; but then if we should not be able to supply them. For most people here having scarcely corn to last them until wheat time, must live upon it, and so can spare little, and many not having any at all.

Now if we apply ourselves to your Honor, there could not be less than two or three hundred white men and one hundred Indians wanting to join Col. Moore's forces, to make them of sufficient strength to pursue the victory with effect, and to take their forts, if they have any more, (but I am of opinion they will not trust any more to their forts); and if the money raised should be sufficient to pay them, which I believe it would not, unless for a very short time; then where shall the provisions and ammunition be had?

And if we should lie still and expect them coming in to see us for peace, and not follow now upon them after this victory, they may take courage to injure us as much as ever, or get help of the Five Nations, or of some other Indians, to the lengthening out the war to the ruin of this Country so that I see Scyllas and Charybdes on Every side.

All the public provision now in the government being but 800 bushels corn 32 barrels meat, which was to be carried round to Neuse last week, and may be there might be 3 or 400 bushels corn with great search and endeavor more got, which would not be near sufficient to maintain such a number of forces as would be necessary to reduce the Enemy Indian to submit themselves.

Hon^d sir I have laid the true state of this government before you to the best of my knowledge and capacity; and knowing myself to be of weak judgement and without experience in matters of so great moment, would therefore humbly beg the favor (by the bearer) of your Honor's best advice in this juncture.

The Matamuskeet Indians have killed and carried away about twenty persons at Roanoke Island and at Croatan, and two Tuscaroras have killed a man upon this shore, about twelve miles distant from where I live

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 164.]

———— March* 1713

To Coll: Pollock—

S^r

Last night, I rec^d by Charleton yo^{rs} of the 2nd instant w^{ch} gives occasion to rejoice with you upon y^e good news of y^e succeff of yr Forces—I very readily agree with you that the pursuing this blow is the surest way to put an end to the war, but the difficulties in the execution thereof, w^{ch} you have justly stated are too great, to be surmounted by the Resolutions of two or three persons, how zealous soever they may be—Where other means are uncertain, it is prudent to make ye best use of such as are in ones' own power—You have already experienced how ruinous the continuance of this war hath proved to y^r Country & there is little hopes of bettering yr: Condition, by the prosecution of it under the unhappy circumstances you now labour: Wherefore, I think if an honorable peace can be obtained while the terror of the late severe Connection is fresh in y^e minds of y^r Enemys, it would prove ye best Expedient to free you from yr: troubles, and in all probability to quiet the Tuscoruroes for a long time, at least while the memory of the losses they have sustained remains among them. To this purpose it may be proper to talk high to Blunt, as if you expected not only a Reinforce^{mt} from S^o Carolina, but that Virginia also was moving to yr: assistance. This will be the more duely credited by him, because upon advice that a Body of the Northern Indians have lately croffed our Frontiers, and are gone towards Morattuck, in all probability to ye assistance of ye Tuscororoës,

*The date should be April, 1713. See date of preceding letter, to which it is an answer.—ED.

I have ordered all our Rangers w^{ch} compose a Body of near 150 men, to march that way, and tis very like, some of the Tuscororoës that have fled from y^r Forces may fall into their hands—It may likewise be proper to let Blunt know that you are so well satisfied with his Conduct, and especially in delivering up to you, the two persons who committed the late murder, that you are willing to conclude a peace with him and all other Indians of the Tuscaroro and Masammaskete nation, that will put themselves under his Govern^{mt}, and that you will make him King of all those Indians under the protection of North Carolina. This proposal will stir up his ambition; and no doubt oblige him to be faithful to the English for the future; and it seems reasonable to believe that the Tuscaroroës will now very readily embrace such an opportunity of making their peace. And by this means, you may also engage Blunt to deliver to you the greater part of the murderers that are yet alive. You will in all appearance, be more secure by this means of any attempts of those Indians, or at least if they should again begin their old practices, you will be better able to provide agst them in time of Peace, after the Country hath had some Respite from their present Calamitys. As I have no other intention than to contribute to the Relief of yr: province, I shall very readily concur with you in these or any other measures that may be judged proper. And you may assure Blunt, that upon his concluding such a peace, he shall be owned by this Gov^t as the Chief of the Tuscarora Nations. This I offer only as my present thoughts, but next week I shall have a meeting of the council and then if any thing further can be thought of for yr: assistance I shal communicate it to you by Express.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

Att a councill holden at y^e house of the Hon^{ble} Thom^s Pollock Esq^r Chowan on y^e 14th day of Aprill A^{no} Dⁿⁱ 1713

Present the Hon^{ble} Tho^s Pollock Esq^r presid^t &^c

The Hon ^{bles}	$\left\{ \begin{array}{l} \text{Thos Boyd} \\ \text{Nath Chevin} \\ \text{Christo Gale} \\ \text{Tobit Knight} \end{array} \right\}$	Esq ^{rs} Lds prop ^{trs} Dep ^{ty} s
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Daniell Richardson Esq^r Presented to this board a Comission from his Excelley y^e most noble Henry Duke of Beaufort Pallatine and y^e rest of y^e true and absolute L^{ds} prop^{trs} of Carolina thereby appointing him to be Receiv^r Gen^l of this part of y^e province of Carolina and also Instructions thereon which said Comission and Instructions was read allowed of and ordered to be Recorded and then y^e said Daniell Richardson tooke and subscribed y^e several oathes by Law appointed to be taken for his quallification and thereupon was admitted accordingly—

It is Ordered by this Board that from henceforward noe Lands be survey'd within a mile of either side of Marattock river and if any Land are already Survey'd Within y^e Bounds afs^d It is Ordered that noe Grants or pattents be passed for y^e Same untill farther Order of this Board—

fforasmuch as it has been represented to this Board that divers persons in this Governm^t and especially in y^e County of Bath Doe under pretense of purchase hold large tracts of Land not haveing paid or Secured the purchase money to y^e L^{ds} prop^{trs} nor haveing any other title thereto then a bare Entry and Survey to y^e great Loss and prejudice of y^e L^{ds} prop^{trs} and also to y^e hindrance of y^e Good Settlem^t of the Governm^t and this Board haveing taken y^e Same into their Consideration.

It is hereby Ordered that noe person that Doe pretend any title to any Land within this Governm^t upon purchase as afs^d that shall not pay or Secure to be paid unto to y^e Receiv^r Gen^l for y^e tyme being the purchase money due therefore on or before the 25th day of December next all such Lands shall be ffree and Cleare for any person to enter on and take up as if the same had never been entered or Survey'd before and all persons that shall from henceforward Survey any Lands on pretence of purchase and shall not pay or Secure to be paid y^e purchase money therefore to y^e Receiver Gen^l as afs^d within six monthes after such a Survey the same shall be also ffree and Cleare for any other person to enter upon as if y^e same had never been Survey'd before.

Dan^l Richardson Esq^r Receiver Gen^l haveing represented to this Board that by his Instructions y^e L^{ds} prop^{trs} Doe require that y^e purchase money of Lands hereafter to be Sold as also y^e Cliefe Rents reserved thereon shall be paid in Sterl money of Great Brittiane on y^e true Vallue thereof which cannot by any meanes be strictly Comply'd with in this Country and y^e said Dan^l Richardson being also directed in his said Instructions to take y^e advice of all matters therein Conteyned of y^e Presid^t & Councill Did apply himselfe to this Board for advice herein And this Board haveing Considered thereupon and Compared y^e afs^d Instructions wth y^e Instructions lately sent upon that head to y^e late

Gov^r Hyde dec^d are of oppinion that y^e said Dan^l Richardson may for any Tyme within Seaven yeares from y^e Date of y^e said Gov^r Hyde's Instructions agree for & Contract wth any person for Lands at y^e rate of Twenty pounds p thousand acres to be paid in any Good & Merchantable Commodities of this country at y^e rated price And it is further y^e oppinion of this Board that Rice well dress^d and Cleaned at y^e rate of Seaventeen shillings & Six pence p hund^d w^{ch} is y^e true vallue of Sterl money.

Forasmuch as Divers persons were Employ'd in receiving of Quit Rents in this Governm^t by y^e late Gov^r Hyde Dec'd and have not Yet Rendered any acco^t thereof to this Board

It is hereby Ordered that all such receivers as afs^d within the County of Albermarle Doe render a true & Just account of their preceedings therein unto Dan^l Richardson Esq^r the present Receiver Gen^l within one month after y^e Date hereof and all Such persons who have been Employ'd as afs^d in y^e County of Bath Doe rend^r Account thereof to y^e said Daniell Richardson within Two month after y^e Date hereof as they will Answare y^e Contrary at their perrills

Daniell Richardson Esq^r the Lds Prop^{rs} Receiver Gen^l having requested this oppion of this Board whether it be practicable or possible for him to pay the Severall Officers Sallary at quarterly paym^t persuant to a paragraph of his Instruction for that purpose.

It is the oppinion of this Board that y^e same Cannot be Comply'd with and it is sufficient if paym^t thereof be made once in every Yeaer

Whereas it dos appear to this Board that there was Twenty Guns Impres'd from M^r Tho^s Peterson by Order of the late Gov^r Hyde for y^e Service of y^e publick and they not being returned againe

It is Order^d by this Board that y^e provost Marsh^l or his Deputy Doe make dilligent Enquiry & Search for y^e Said Gums and Gather them together and deliver them to y^e Said Tho^s Peterson as Soon as possibly he Cann—

Whereas Daniell Richardson Esq^r Receiver Gen^l is Directed in his Instructions to pay unto y^e Chiefe Justice of this Province the Sume of Sixty pounds p Annum for his support in y^e Said Office And Maj^r Christo Gale Esq^r haveing Executed that Office from y^e first of July last and still Continues in y^e Same therefore it is the oppinion of this Board that y^e Said Sallary Doe of right belong and Ought to be paid to y^e Said Maj^r Christo Gale from y^e afs^d first of July last untill he shall be Superseaded in that Office—

Whereas the Lds prop^{rs} Doe Strictly require that an exact Rent Roll be forthwth taken as well to satisfy their Lds prop^{rs} What Land are dis-

posed off as also to enable the Receiv^r Gen^l to demand & recieve y^e rents Due therein and for the more expedition therein

It is Ordered by this Board that y^e Several persons hereafter named be Impowered to take an exact acc^t upon Oath of all persons how much Land they hold in this Governm^t by Survey or pattent how long they have held the Same and w^t rent is is Due thereon (Viz^t) in y^e precinct of Chowan George Smyth ffra Parrott Lenard Lofflin Jn^o Jordan & Tho^s Perterson Esq^{rs}

In y^e precinct of perquimous Maj^r James Coles & Cap^t Jno Hecklefeild—

In Pasquotank precinct Dan^l Richardson Esq^r M^r Jno Palin Tho^s Miller and Cap^t Ludford, In Corratuck precinct M^r Ja^s Wicker and Cap^t Richard Sanderson Jun^r. In the County of Bath Cap^t Jno Drinkwater Jno Jordan ffarncold Green & Richard Graves and all persons within their Several precincts whoo doe not appear before Some one of y^e persons above named and give in an Exact account upon Oath as above s^d of all Such Lands as they hold how they hold y^e Same and how long they have Soe held And w^t Rents are Due thereon without any Concealm^t on or before the last day of October next Such Lands shall be ffree and Clear for any person to Enter upon and take up as if y^e Same had never been Entered Survey'd or pattented before—

Mary Burke adm^r of y^e Goods & Chatles of Richard Burke Dec'd came before this Board and acknowledged that to her Certaine knowledge the said Richard Burke in his life tyme did receive of and from James Curlee Sen^r the Sume of Ten pounds Ten Shillings on y^e acc^t of y^e Hon^{ble} Tho^s Pollock Esq^r which money was in Consideration of a plantation Sold by y^e Said Richard Burke to Tho^s Jones of Verg^a Shoemaker—

It is ordered by this Board that for the future any Indyans Shall be sent into y^e Hon^{ble} presd^t for any Crimes or misdemeanors the said presid^t is hereby fully Impowered to Inflict Such Imediate punishment on them as he shall think y^e Crime requires or as might or Could be done if the Councill were there present

A power of Atto^y from Tho^s Jones of Eliza Citty County of Verg^a to the Hon^{ble} Pollock Esq^r fformely prove before the Hon^{ble} William Glover Esq^r was presented to this Board by y^e afs^d Thomas Pollock Esq^r & Ordered to be recorded

THO POLLOCK
THO^s BOYD
N CHEVIN

C GALE
T KNIGHT

[B. P. R. O. B. T. VIRGINIA. VOL. 58.]

JOURNAL VA COUNCIL.

16 April 1713.

The Governor having this day communicated to the Council a letter from the President of North Carolina giving an account that the Forces under the command of Colonel Moore had lately taken the Fort of Nahardakha, and therein killed and made prisoners of upwards of 800 of the Tuscaruro Nation and that upon the said President of Carolina representing the inability of that Government to prosecute their late success, by reason of the departure of the greatest part of the South Carolina Indians The discouragement given their Inhabitants by the loss of many of their men in the attack of the Fort and the utter impossibility of supplying with provisions any Forces that might be sent from hence, he had advised the said President to make peace with the Tuscaruro Indians while their late defeat was fresh in their memories and for that purpose to make use of Tom Blunt Chief of those Towns who have hitherto adhered to the English making him an offer in consideration of his Fidelity of the sole rule of the Tuscaruro Nation under the protection of the Government of North Carolina and to receive as friends all of that nation that shall submit to him as their Ruler as the most probable way to secure his obedience and establish a lasting peace with those Indians and to extricate that Province out of the Calamity of a war which they are not able any longer to carry on. And thereupon asking the advice of the Council whether it be probable that any further supplies can be obtained from the Assembly of this Colony for enabling the Province of Carolina to prosecute the War or whether in the present situation of affairs it be advisable for them to conclude a peace. The Council are unanimously of Opinion that it is not probable the Assembly of this Colony will be prevailed on to give any fresh supplies towards the assistance of Carolina considering the present poverty of this Country and that the affairs of that Province appear to be much bettered by the destruction of so great a number of their Enemies and as it is not to be doubted but that the Indians discouraged with their late losses will readily embrace any Terms of peace that shall be offered them. It is most advisable for the Government of North Carolina immediately to treat with the Indians upon the Terms proposed by the Governor which appear to be such as will render that peace lasting and honourable and bring greater security to that and her Majesties neighbouring Colonys than can be expected by carrying on a tedious War the event of which is uncertain.

[FROM POLLOCK'S LETTER BOOK.]

April 21st 1713

May it please your Excellency

Since my last of March the 6th Col. Moore with the forces under him, have taken and killed 800 at least in the Tuscarora Fort and it seems, hath had as hard an engagement as ever was amongst Indians, since the settling of the English. We have killed and wounded in this expedition 165, whites and Indians.

[FROM THE MSS. RECORDS OF THE FRIENDS MONTHLY MEETINGS IN PASQUOTANK PRECINCT.]

At a Monthly Meeting Held in Pasquotank at Symonses Creek the 17th 4th Month 1713. This Meeting Considering the Gross and Vile Aspersions That Thomas Robinson hath Spread abroad against Mathew Pritchard tending to Defame the Truth and make Friends odious appoint James Davis & Zacheriah Nixon to speak to him to be at the next Monthly Meeting.

Also the Meeting's judgment is that all Friends that do suffer on Truth Ac^t Either for not bearing arms or Refusing to pay Parish levies towards the support of the Churches so called do keep a true ac^t of the sum they suffer & the day distress is made and Render the same to either John Symons or Joseph Gloster Also the queries were read and answered to, and Friends Desire is that all Friends be careful to keep work day meeting. Also Friends appoint John Morris & Henry White to represent the state of this meeting to the Quarterly Meeting.

[FROM POLLOCK'S LETTER BOOK.]

CHOWAN April 25th 1713

HON^d SIR

Your's of April the 7th received, an am altogether of your opinion, that seeing wee are not able to carry on the war, it is best to make an honorable peace, if we can, whilst the smart of this blow is fresh in their minds: in order to which Tom Blount coming in here to the Coun-

cil, we have come unto some agreements with him The chief whereof it that for his faithfulness and good service done to us, we will make and acknowledge him King and Commander in Chief all the Indians on the south side of Pamptico River under protection of this government; and that we will make a firm and lasting peace with him and all the Indians that acknowledge him as sachem; he being to deliver to us twenty of the Chief contrivers of the taking the Baron [and] Mr Lawson, and of Carrying on the massacre, whom we name to him; and to deliver up all the captives, horses, arms, goods, and cattle taken from the inhabitants, and to pursue, kill, and take, as Enemies, the catchneys, matamuskeets, and all other Indians, Enemies to the English; and to deliver up to us any of his Indians that we can make appear hath had any hand in the massacre. These are the substance of the chief articles. For security of his performance of which he is the 10th or 11th of next month to be in at the assembly two hostages from each town that is left.

Tom Blount informs me that most of the other Indians that were not in Wahasuke Fort, that was taken were got into an other Fort called Cohunke, who upon hearing of the taking of Nahasuke Fort all scattered, and left their fort, most of them going up Moratock River. And likewise he informs me that Conaguane, the Sachem that went with three of Tom Blount's Indians to the Commissioners at albany, and procured the letter to this Government, (a Copy whereof I sent to your Honor) had come to his town with about ninety or a hundred of his Indians, and perswaded him all he could against the English; telling him that they only amused him with fair words to keep him from doing them mischief, but when they had destroyed the rest of his nations, he might be sure to be destroyed likewise: but if he would take his advice he would settle him out of danger of the English. But Tom Blount says he would not hear him, but desired him to leave them to themselves, and mind his own concerns Now if Tom Blount come in and make a peace and do as he promises, we shall have only Matamuskeets, Catechneys, and Cores to deal with, who albeit they may give us a great deal of trouble yet am in hopes, if Col. Moore continues with us with his Indians, they may be brought under in a short time. But if he do not come in and we are forced to go vigorously on with the war, we shall be in great want, I doubt of provision and ammunition; for albeit we shall not have occasion of many white men, the Enemies being to be pursued only in the woods and swamps, where Indians are the best we shall have occasion of more Indians who must have provision and ammunition. I shall do my uttermost Endeavor for procuring all for them I can, and hope if it will fall out so that we shall want your Honor will assist us.

As for a particular account of the seige and attack of the Fort, I leave it to the bearer Capt Maule, who was personally present, only that all our people behaved themselves extraordinary well, and far otherwise than Col. Barnwell represented them last year, and more indeed than could be expected from inexperienced men.

As for Col Moore his indefatigableness in enduring the greatest fatigues, his conduct and courage at the seige and attacks were extraordinary, all which good qualities are set off with so much modesty that makes them more resplendent, and renders him an extraordinary man.

If any news of importance, be very acceptable, and add to the many obligations received by Hon^d Sir

Your most obedient

humble Servant

THOMAS POLLOCK

Sent by Capt Maule and John Lovicke

[FROM POLLOCK'S LETTER BOOK.]

APRIL 30th 1713.

Hon^d Sir

Your of April 27th by your messenger received. And as for Tom Blount, he was in with us at our last Council, and we are come to such article of agreement with him as your Honor proposed in your's of April 7th and he is to meet us the 10th or 11th of the next month at the assembly fully to conclude the peace, of which by mine to you of the 25th instant (by Capt Maule and John Lovick) have given your Honor a particular account. Since mine of the 25th there hath nothing of moment happened here, until the very moment before your messenger arrived, I had informations that the Matamuskeets (having I believe some of the Cores and Catechnee Indians joined with them) being in number about 50 had fallen on the inhabitants of Alligator River, and, as they conjectured had killed and taken 16 or 20 of the Inhabitants the rest having escaped. Col Moore had sent orders to have one have one hundred of his Indians to come and Clear the woods about Matamuskeet; but but believe they are not yet come: and I have sent out orders to the adjoining military officers, to raise what men they can, and march after these Indians with all expedition; but fear it may be to no purpose, they having advantage of such dismal swamps to fly into. And unless our aux-

iliary Indians can drive them out of these swamps I can think of no better way, than of setting a garrison some where near their chiefest range, who may hinder their making of corn, and make some discovery where they keep their wives and children, which may be a means to make them remove.

As for the present state affairs here, I have not failed to give your Honor a particular account of all material passages since my administration; but shall briefly run over some few things.

Our own divisions (chiefly occasioned by the Quakers and some other evil disposed persons) hath been the cause of all our troubles. For the Indians, being informed by some of the traders, that the people that lived here were only a few vagabond persons, that had run away out of other governments, and had settled hear of their own head, without any authority, so that, if they cut them off, there would be none to help them, this, with the seeing our own differences rise to such a height that we (consisting of only counties) were in armes each against the other, encouraged them to fall upon the county of Bath not expecting they would have any assistance from this county, or any other English plantations. This is the chief cause that moved the Indians to rise up against us, so far as I can understand.

And as the Quakers with their adherents have been a great occasion to the rise of the war, so they with two or three persons more (not in such post of profit and trust in the government as they desired) have been the chief cause that the war hath not been carried on with that vigour it ought, by their disobedience to the government encouraging other to disobey, and in severall precincts, they, being the most numerous in the election fields, choose such numbers of assembly as opposed chiefly what was necessary for carrying on the war. So that the generality of the people, seeing that the Quakers for their disobedience and opposition to the government rise actually in arms and had attacked the government and council had escaped without any manner of punishment, were emboldend to do the like; and seemed to want only one to head them to carry on another insurrection.

As for ability in carrying on the war: it is so little that we must, if possibly we can upon honorable terms, conclude a peace, the country being more in debt than I doubt they will be able to pay this ten or twelve years, our public bills not passable, and little or no provisions to be raised in the Government to maintain any forces out against the enemy.

At the breaking up of the assembly, shall give your Honor an account of what conclusions we come to with Tom Blount, and all other material

passages here, and intend then to send the Lords Proprietors a clear view of the state of their country so far as I can; and I shall not be unmindful to give them a full representation of your great and hearty endeavours for the good of this poor people and safety of their country. And, I hope, when you write home concerning this government, you will do me the justice to represent that I have not been neglectful in doing what possibly could for the safety of this place

I am

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a councill holden at y^e house of Cap^t Thos Lee in Chowan on y^e 8th day of May A^{no} Dⁿⁱ 1713

Present The Hon^{ble} Co^{ll} Tho^s Pollock Esq^r Presid^t &c

The Hon ^{bles}	{	Tho ^s Boyd W ^m Reed Christo Gale T Knight	}	Esq ^{rs} Lds prop ^{ts} Dep ^{ty} s
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Daniell Richardson Esq^r The Lds prop^{trs} Receiver Gen^l moving to this Board for Advice Concerneing Lands formerly purchased and not yett pattented by reason of the troubles and Confusions this Country has long since layne und^r It is y^e Oppinion of this board that Whereas Severall persons have taken up and Survey'd Lands according to y^e usuall maner after y^e rate of ten pounds p thousand acres before the arivall of y^e Lds prop^{trs} Instructions Signifying that noe more Lands should be sold at that rate It is farther oppinion of this Board that y^e Said Daniell Richardson may receive of all such persons Whose Surveys are returned upon purchase before an order of Councill Dated y^e 27th Day of March 1711 persuant to their Ldsps Instructions for that purpose after the rate of ten pounds for every thousand acres and that upon producing the s^d Richardson rec^t or Certificate for y^e same or y^e rec^t or Certificate of y^e Receiver Gen^l for y^e tyme being as also for y^e arrearage of y^e Quit Rents Due thereon from the Date of y^e Survey at y^e rate Six pence p hundred acres Pattents may & ought to be made out & Granted for y^e Same

Whereas Daniell Richardson Esq^r is Directed in his Instructions to pay unto y^e Atto^{ey} Gen^l of this Province y^e Summe of fforty pounds p

Ann^o for his support in y^e Said Office out of their Ldsps Revenues and Edward Bonwicke Esq^r haveing Executed that Office from y^e first day of June last past and Still Continues in y^e Same therefore It is y^e oppinion of this Board that y^e Said Sallery of fforty pounds ꝑ Ann^o Doe of right belong and ought to be paid to y^e Said Edw^d Bonwicke from y^e afs^d first day of June untill he shall be superseeded in that Office.

Upon motion of Tho^s Robertson by Edw^d Moseley his Atto^{ny} ag^t Stephen Scott Showing that y^e Said Scott had been bound to him y^e Said Robertson as an apprentice to Serve him for five yeares to learne y^e trade and mistery of a Carpenter & house Joiner & that y^e said Scott has absented himselfe from his said masters service and his Indentures are lost either by y^e said Scott or otherwise and y^e matter being duely heard on both sides And there appearing to this board that there was Indentures Drawn between them by which y^e said Scott was bound to y^e Said Robertson for y^e space of ffive years as afs^d

It is Ordered by this Board that y^e said Scott doe returne to his s^d master againe and that there be new Ind^{rs} drawne between them for y^e remainder of y^e five Yeares yet to Come there being one yeare and two months past and that security be given for y^e performance thereof on both sides the said Robertson assumeing before this Board that for y^e future he will not Imoderately correct or abuse y^e s^d Scott dureing y^e Said Services.

Upon Petition of Benja Pritchard being Summoned as an Evidence by Tho^s Robertson ag^t Stephen Scott.

Ordered that he be allowed for two days Comeing & Two days going & two attendence pursuant to an Act of Assembly for that purpose

The last will and Testam^t of Jno Jones of Coshoke Creek dec^d was produced before and proved by y^e oath of John Bird—who being sworne said that he saw y^e s^d Jno Jones Signe Seale & declare y^e same to be his last Will & Testam^t and also that he likewise saw Tho^s Arnold & Jno Holbrook signe y^e same as evidence. And farther (being Interogated thereto) Said that the Legacy of Land in y^e said Will mentioned to be given to Eliza Lewerton was given by y^e Testator to her and her Heyrs for ever that y^e word (Heyres for ever) was by him neglected or forgotten to be set down he being y^e person that wrote y^e same

The last will & Testam^t of Tho^s Jones dec^d was produced before this Board and proved by y^e Oath of David Henderson one of y^e witnesses thereto.

It is Ordered by this board that Cap^t Robert West W^m Walston Martin Griffin and Charles Barber or any three of them being first sworne

thereto Doe appraise y^e Estate of Thomas Jones dec^d and make returne thereof accordingly.

It is Ordered by this Board that Cap^t David Henderson Cap^t Robert West, Jno Hawkeings and Rich^d Pickering or any three of them (being first sworne thereto) doe appraise y^e Estate of John Jones Dec^d and make returne thereof accordingly.

Upon Petition of Symon Alderson praying Letters of Administration on y^e Estate of Symon Alderson his Dec^d father as being his Edlest Sone

Ordered that y^e same be granted as pray^d

Upon Petition of y^e Hon^{ble} Richard Sanderson Esq^r showing that M^r James Addams is Dead Without Will and that he is indebted to your petition^r and therefore prays Administration on his Estate as Greatest Creditor

Ordered that y^e same be Granted as pray^d

Upon Petition of Capt. Richard Sanderson Jun^r showing that Bartho Wolfe is dead without will and considerably Indebted to him y^e s^d Sanderson and thereupon prays Admⁿ on his Estate as Greatest Creditor

Ordered that y^e Same be Granted as pray^d

Ordered that M^r W^m Barrow ffra Garganus Henry Warren & David Perkins or any three of them (being first sworne thereto) doe appraise such of y^e Estate of Robert ffendall in y^e County of Bath as Shall be presented to them & make returne thereof accordingly.

Evan Lewis Adm^{tr} of y^e Goods & Chattles of George Birkenhead dec^d produced an account to this Board & proved y^e same by his Oath by which it appeares that he has paid the sume of 05£ 18 05d more than all y^e Estate of y^e said Birkenhead that ever Came to hands doth amount to and therefore prays a *quietus est* which is Granted.

Upon Petition of the Hon^{ble} Rich^d Sanderson Esq^r praying appraisors may be appointed to appraise the Estate of M^r James Adams dec^d whereof he is Adminis^{tr}

Ordered that W^m Leary Tho^s Taylor ffoster Jarvis and Izarecum Parker or any three of them being first sworne thereto doe appraise y^e said Estate & make returne thereof accordingly

Upon Petition of Cap^t Richard Sanderson Jun^r praying appraisors may be appointed to appraise y^e Estate of Bartho Wolfe Dec^d whereof he is Adm^{tr}

Ordered that W^m Leary John Jones Henry Slade and John Jones Jun^r or any three of them being first sworne thereto doe appraise y^e said Estate and make returns thereof accordingly

Cap^t Richard Sanderson Jun^r presented an account ag^t y^e Estate of y^e Hon^{ble} Edward Hyde Esq^r Dec'd amounting to y^e Sume of £13 03^s 00 and as his petition was admitted to prove y^e Sume by his Oath which he did accordingly

Upon Petition of M^{rs} Mary Lee by and with y^e Consent of her husband Cap^t Tho^s Lee praying that she may have the tuition and keeping of her Grandchild Catha Tyler and Infant y^e father and mother of it being both dead

It is Ordered by this Board that the said M^{rs} Mary Lee have y^e Guardianship of y^e said Catha Tyler untill she shall come to the age of twelve years

Upon Petition of Jno Bird praying that appraisors may be appointed to appraise y^e Estates of Peter Avelin and W^m Rawleson dec'd of both which he is Exec^{tr}

Ordered that Cap^t David Henderson Capt Robert West Tho^s West and Richard Pickering or any three of them doe appraise y^e said Estates being first Sworne thereto before Some magistrate and make returne thereof accordingly

It is Ordered by this Board that y^e Hon^{ble} the presid^t be Impowered of himselfe to negotiate any affair relateing to y^e Warr either with Co^{ll} Moore or any others and to send into Verg^a and ord^r Soe much of y^e Money given to this Governm^t by them to be layed out in provissions or other nessessarys as he shall think fitt

C GALE
T KNIGHT

THO^s POLLOCK
THO^s BOYD
W^m REED

[FROM POLLOCK'S LETTER BOOK.]

Hon^d Sir

May 25th 1713

I doubt not you have have had a full and true account of the glorious victory obtained by your forces under the command of Col. Moore over our Indian Enemies in killing and taking 800 of them at least in their strong Fort, which as it hath dispirited and struck a terror in all of them, so I hope it will in a short time bring peace and safty to the people here, which will be altogether owing to South Carolina under your Honor's government. Col Moore hath bravely and gallantly discharged the

trust put in him, enduring the greatest fatigue with cheerfulness, thereby encouraging his men, carrying on the siege of the Fort with great prudence and discretion, and storming it with great resolution, courage and conduct, and his moderation and modesty setting a great lustre on all his other virtues.

We have concluded a peace with King Blount and all the other Tuscaroras that will come in under him, he being to deliver up all that we can prove had any hand in the massacre; a copy of which articles have sent herewith, enclosed. we were induced to this by reason we were not able to raise more provision to maintain the army; and also it was thought better to have some of them on the frontiers than to have our out plantations lie open to the insults of any of them that should escape, or of any other straggling Indians. Wherefore would entreat your Honor to put a stop unto your Indians coming in here until we see if keep the articles of peace or not. If Blount keep the peace, we shall have only the Mattamuskeets and Core Indians to mind, who of late have done us great mischief, having killed and taken of our people since my last to you, about 45 at Croatan Roanoke Island, and alligator River, these being about 50 or 60 men of them got together between Matchepungo River and Roanoke Island which is about 100 miles in length and of considerable breadth, all in a manner lakes, quagmires, and cane swamps, and is, I believe, one of the greatest deserts in the world, where it is almost impossible for white men to follow them. They have got likewise boats and canoes, being expert watermen, wherein they can transport themselves where they please. Col. Moore is gone to get what Indians are left to go after them, only a few that stay at Core Sound to guard the people there from some few of the Cores that lurk thereabout; and I have ordered some of our people to go by water to take their boats and canoes, to intercept their passage. If they have good success in this expedition. I hope it will end the war. Provision being very scarce here, the assembly thought it fit to have Col. MacKey's sloop hired in the country's service, to carry off what slaves the Indians have here, and to continue in the country's service between South Carolina and here until the wars are ended. As for what is owing M^r Lahorn for his sloop's hire, I have put into the assembly, but the provision being all spent to maintain the army, there is no possibility of a raising his pay until next winter, at which time, if he employ an attorney, I question not the assembly will raise it for him. Col. MacKey hath behaved himself extraordinary well here; he with his twenty Yamassee Indians defending all Bath County from the insults of our enemies, keeping a

watchful eye over Neuse and Pamlico from Col. Barnwell's departure until Col Moore arrival. As for Col. Barnwell, I can find nothing more material to be made appear here against him than what your Honor hath account of already: as for what private transactions have been carried on betwixt him and Mr Moseley, they have been kept so in the dark that it is next to an impossibility to prove them.

In answer to your's by Mr Roach and one from himself I wrote to him, that if any person had wronged him, the law was open and he should have justice done him impartially; and for what goods of his had been impressed for the countrys service, on his putting his claims into the assembly I doubted not it would be allowed him; and as to his settling here in this government; he being one excepted in the proclamation, if he came in and gave bond with security to answer at the provincial court what should be objected against him on Her Majesty's behalf, when required, that I was willing he should not be called to answer until the Lords Proprietors' pleasure therein were known; notwithstanding which he comes with his sloop into Neuse River, and there trades for slaves and other goods without entering or clearing with the collector, but gets a simple man by threatening and drink to enter and clear his Vessel, and so is gone without paying the duties imposed on West India goods by our law, as I am informed; so that he acts with the greatest folly imaginable, expecting Your Honor will protect him in whatever he does here.

Col Cary is newly arrived from England, and I do not understand that he hath brought anything from the Lords Proprietors, only says that Brigadier Nicholson is to be here very shortly to regulate and settle all affairs, and I heartily wish he were, not doubting but being a prudent and generous man he would take such measures as would prove effectual to bring the people under due obedience and to see that the laws were better put in Execution, which is practicable now to be done without raising a difference and rebellion again amongst ourselves, which might prove fatal in this juncture, while the Indian war continues.

If your Honor would order Col Moore's stay here with what Indians are left, being in all about 120 as I am informed, would be of great service to this country, and I hope would be sufficient in short time to end the war here, if Blount keep his articles of peace, which I am in great hopes he will, if your Indians do not come in and force him to fly back with the rest of the Tuscaroras, for he now being to be the back-guard of our frontiers, if he go off with the rest, we shall lie open to the insults of all of them, and of all other straggling Indians, and by that means know no end of the war.

Your Honor's extraordinary favors to this poor people are inexpressible, and ought to be imprinted in all our minds in indelible characters. As for my own part, I shall be ambitious to find any ways or opportunity to acknowledge at least my gratitude, and to testify that I am in all sincerity

Hon^d Sir

Your Most obedient Humble Servant

THOMAS POLLOCK

Hon^d Sir

Col Moore having but about 120 or 130 Indians left so far as I understand; and if he should think them too few, or that some of them leave him and march home, so that he writes that he writ that he hath occasion of more Indians, I would entreat your Honor to send them in. For I am very desirous that you have the whole Honor of ending the war without the help or assistance of any of other neighboring government.

T. P.

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 166.]

GOVERNOR SPOTSWOOD TO GOVERNOR POLLOCK ON INDIAN POLICY.

May 1713

To Coll^o Pollock,

S^r

I have rec^d yo^r of the 25th and 30th of laft moneth, whereby I perceive you are fallen into the same measures, I proposed for establishing a peace with y^e Indians, only with this variation, that you insist upon higher Terms, than I can think prudent at the Juncture: for as to the delivering up to you 20 of the Cheif contrivers of the seizure of the Baron & Mr. Lawson, and of carrying on the Massacre, and those to be named by you, it will be fitt to consider how shocking this will be to all the consid^{ble} men of that nation, who will without doubt, beleive that they themselves will be the persons pointed at, and rather choose to hazard their lives, by the chance of war, than submitt to a certain death, by yielding themselves your prisoners: the insisting likewise on the delivery of such of Blunts Indians, as have had any hand in the Massacre, will make them averfe to this Treaty, and render Blunt, incapable of Executing what engagements he shall make to you—In my opinion,

after so many have been made Captives and destroy'd, and that with such exquisite tortures (as I have been told), an Act of indemnity might very well be pressed for the rest—Not that I am pleading for any favour as due to those Indians. On the contrary, I think all that had any hand in y^e Massacre deserve death: But in the present Circumstances of yr: Country (of which the Indians are not altogether ignorant) it seems very improbable they should submit to worse conditions upon a peace, than you are able to force them to, by carrying on the war: and notwithstanding Blunt may be induced to sign such a Treaty as you propose, yet you will be as far as ever from establishing a peace by that means—for the experience I have had of those very Indians, hath shown me that they are easily persuaded to promise any thing, but that there is no dependence upon^d their performance, except where they can find in it either their interest or their Safety. So that if a peace can be obtained with the delivery of two or three of the Ringleaders in y^e Massacre, and those named by you before the Treaty, the rest will then imagine y^mselves out of danger, will neither interrupt ye Treaty, nor be like to break y^e peace after its conclusion—

As to the practices of the Northern Indians, I have formerly, and now again by the man of war, that carrys M^r Hyde given Coll^o Hunter a particular acc^t thereof, and desired him to use his endeavours for prevention thereof for the future—The inclosed pr. ml: will informe you of the latest & most material piece of news we have here—

[B. P. R. O. B. T. VIRGINIA. VOL. 14. P. 19.—EXTRACTS.]

LIEUT. GOV. SPOTSWOOD TO LORDS OF TRADE 2 JUNE
1713.

VIRGINIA June the 2^d 1713.

My Lords,

Since my last dispatch to your Lordships of the 11th of February I have had little to add to the trouble that gave you relating to the Affairs of this Colony, and I doubt not your Lordships will receive with as much satisfaction as it is to me to write the happier prospect of affairs in the neighbouring Province of North Carolina; the forces sent thither this winter from South Carolina under the command of Col^l Moore have obtained a considerable advantage over the Tuscaruroes by the taking

the only important Fort they had, and it and other Rencontres killed and made prisoners upwards of a thousand of that Nation. This blow having extremely frightened them, it was necessary to improve it by engaging them in a Peace, since the Government of Carolina is utterly unable to reduce them by prosecuting the war, and by the information I have received from the President of that Country of their disposition to fall into those measures I advised for establishing a Peace, I have reason to hope it is now very near, if not altogether concluded, the project whereof your Lordships will find in the Council Journal of the 16th of April herewith sent.

The making a peace with those Indians was the more necessary in regard of some late discoveries that they have been all along assisted in this war by the Senecas and others of the five Nations under the Government of New York: for while the Carolina Forces were besieging the Tuscaruro Fort, a considerable body of those northern Indians came into the Tuscaruro Country, and would have persuaded the neutral Towns to join with them in raising that siege; and the same body of Indians meeting with our Traders as they were going with a cargo of goods of the value of £1000 and upwards to traffique with the western Indians, fell upon them and plundered them of all they had, and at the same did not disown their being Mohacks and other Northern Indians, which the Traders likewise very well knew to be true, and was further confirmed by some of our Tributary Indians who going out upon the news of this Robbery mett with and killed severall of them. This brought the rest down on our Frontiers, and obliged me to command out all our Rangers in search of them, but they were retir'd ere our men could come up with them, and so escaped with their booty.

* * * * *

A. SPOTSWOOD.

[FROM POLLOCK'S LETTER BOOK.]

CHOAN June 8th 1713

Hon^d Sir

We have concluded now a peace with Tom Blount; a copy of the articles have herewith enclosed. What trust may be put in this peace I know not, only am in hopes the smart of this severe blow that they have had, with the fear they have of South Carolina Indians, may induce them to keep it for some time. at least until we are more able to

withstand it. To observe what measures Tom Blount takes, and to be guard to from the South Carolina Indians if they should again attack him have sent out a brother of Col. Tom Moore's and one M^r Charles Glover, who went from hence with him the 2^d of this instant, with Tom Blount's wife and two of his children and his sisters son; whom our Indians had taken, and I sent and had redeemed from them.

An Assembly having adjusted what public claims were put in, and enacted the making more public bills to the value of eight thousand pounds to pay them and make all our public bills passable for all debts for rated commodities of the country, were adjourned until August next.

Col. Moore, immediately after the breaking up of the assembly, went to pamplico, in order to get his Indians together who have been ranging all over the Tuscarora Country, to make a decent on the Matamuskeets, who have done us great mischief. And some of our people are gone after them by water. If it please God to give them good success in this Expedition, and Tom Blount keep his articles of peace, I hope it will go near to end the war. But I believe it will be necessary to keep what South Carolina Indians are here until next fall [at] least, for fear of some eruption, and until matters are better settled: only we are much straitened for want of provisions, there not being sufficient left to supply Col. Moore's forces this expedition. I have sent to see what can be raised, but I believe it will be very little. If we should want I hope your Honor will assist us with some. I believe fifteen or twenty thousand weight of biscuit may go near to supply two hundred men until our corn come. as for wheat, there is such a scarcity of corn here, that the people will be forced to spend most of it themselves.

[B. P. R. O. B. T. PROPRIETIES. VOL. 30. P. 386.]

June 18th 1713.

To the Right Hon^{ble} the Earl of Dartmouth.

MY LORD,

Charles Eden Esq^{re} having been recommended to Her Majesty by the Lords Proprietors of Carolina to be Gov^r of North Carolina, and Her Majesty having been pleased by Her Order in Council of the 18th of May 1713, to declare Her Allowance & Approbation of the said Charles Eden to be Governor of the said Province accordingly, Provided he give good and sufficient security, that he duly observe the Acts relating

to Trade and Navigation, And We having received a Certificate from Her Majesty's Remembrance Office, that the said Cha: Eden has pursuant to Her Majesty's Order in Councill, given the usual Security of 1000£ for his due Observance of the said Acts, do take this occasion to acquaint Your Lordships the inclosed Draught of Instructions for Her Majesty's Royal Signature, to the forementioned Lords Proprietors of Carolina, relating to the Acts of Trade, being to the like Effect as those that have been given to them, & to all other Proprietors of Plantations on the like Occasion. We are

My Lord

Your Lordships

Most Obedient and

Most humble Servants,

PHIL: MEADOWS.

ROB^t MONCKTON.

FRANCIS GWYN.

THO: FOLEY.

T. HYNDE COTTON.

Whitehall

June 18th 1713.

Mem^d The Instructions men^d in this Letter, are the same as those for M^r Hyde, Entred folio: 337, Except the Additional Clause & the two Clauses of an Act, Entred folio: 367, w^{ch} having relation only to the time of the late War, were left out in those to M^r Eden.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

Att a councill holden at y^e house of y^e Hon^{ble} Tho^s Pollock Esq^r in Chowan on y^e 25th day of June Anno Dⁿⁱ 1713

Present

The Hon^{ble} Tho^s Pollock Esq^r Presid^t &c

The Hon^{ble} { Tho^s Boyd
Nath Chevin
Christo Gale
T. Knight } Esq^r Ldsps Dep^{ty}

The Hon^{ble} the president haveing reported to this Board that King Blount hath brought and delivered up to him Eight of our Enemy Indyans men and farther signifying his Intentions of sending a Vessell to y^e Wet Indyas and that he is willing to buy y^e said Indyans in order to send them off in his said Vessell and be accountable to y^e publick for y^e Same

Whereupon It is Ordered and agreed by this Board that the Hon^{ble} Presid^t have and take y^e Said Eight Indyan men to his owne use he paying & allowing to y^e publick y^e Sume of ten pounds p Indyan with which he sayth he is Content

C GALE

T. KNIGHT

THO^s POLLOCK

THOS BOYD

N. CHEVIN

[FROM POLLOCK'S LETTER BOOK.]

CHOWAN June 25 1713

Hon^d Sir

Yours of the 3^d instant is now before me, and must needs sincerely acknowledge that our lives, liberties, and estates are in a manner wholly owing to your goodness and generosity, and I wish before you had sent out the last forces you had received mine by Col Mackey, who I believe, is gone in his sloop for Charles Town For since Capt Moore went from hence, the Tuscarora Indians in that other Fort that was not taken, with most of the other Tuscaroras, as we are informed, are fled northerly, only Tom Blount, who hath but very few left with him, with whom we have concluded a peace, the articles of which have sent you in my last by Col Mackey, so that we have now only the Matamuskeet, Core, and Catechny Indians to deal with, against whom your forces here before and those newly come by water in probability are sufficient; so that your forces that are coming in can expect no advantage to themselves by slaves, and besides all our corn here in a manner is quite spent, so that most people will be forced to spend what wheat they make, and it will be so much as possibly can be done here to supply the forces here already. For which reasons immediately on receipt of yours, sent to Col. Moore to send and stop them if possible from coming. For their coming in now might be, I fear, much to our damage, and no advantage to them, for since if they come in they will be force to come and live amongst the inhabitants,

until corn is eatible, which will be three months in which time they will destroy a great many of their stocks, which [it] is to be feared would cause an insurrection against the government.

I am very sensible of the great charge and expences your Country have cheerfully undergone for our safety and heartily wish we were capable to make you satisfaction. But I can assure you, the poverty of the people here is very great, more than you can well imagine, which I hope your Honor, the Council and assembly will consider, of.

As for the sloops hire, and for the arms and amunition sent in to Governor Hyde, shall do my uttermost endeavor with the assembly to have it raised next winter in such comodities as may be suitable for your parts.

The army here now are out against the Mattamuskeet Indians, in which expedition if they succeed it will go near to finish the war. Our latest news from Europe is the Great Turk's causing the King of Sweden to be secured and carried a prisoner from Bender to adrianople, for what reason is not known, and that peace was proclaimed at London the 9th of April, which at least wants a confirmation.

Col Thomas Cary is newly arrived here from England, and likewise have received a copy of a letter from the Lords Proprietors directed to me and the Council, wherein they give an account that they have authorised the Honorable Brigadier Nickolson to enquire into the cause of the late disorders of the people in this country, and require that no prosecution may be on that account until he came.

Hon^d Sir

Col Mackey's sloop being now employed in this country's service by desire of the assembly, M^r Langhorne's sloop may be cleared at here return. I hope by my next to your Honor to give you account of your forces under Col. Moore destroying the Mattamuskeets, and finishing this tedious war, which is earnestly desired by—

[FROM N. C. LETTER BOOK S. P. G.]

MR. RAINSFORD TO MR. CHAMBERLAYNE.

CHOWAN CAROLINA July the 18th 1713

Worthy Sir

Tho' this be my third to you I have not been honored with a line from you since my arrival in these parts—I cannot help concluding you

have writ to me in Mr. Urmstones packet which he received by Capt^a Harvey of the Royal notwithstanding his silence in the matter I need not use repetition in describing the miseries of the Government was lately exposed to I need only say that we seem not to enjoy peace, tho' some mischiefs are done by scattered Indians in the remote parts of the colony, all due care is taken by Col^l Pollock our president to suppress them, and wherever they are taken they are destroyed. So that I presume in a little time the country may be cleared of these savages. King Blount (as they term him) has obliged himself to clear the West Shore of Chowan River which he seems to be indefatigable in the Country is miserably poor and there is nothing to be expected from the inhabitants, since the Ashley River Indians destroyed their stocks for my part I never received the value of a Bushel of Corn since I was concerned here, but what I gott by weddings—I did not continue in Virginia near two months and even that time my want of health obliged me to it. I am now at Squire Duckenfields on the west shore of the Sound, pressed on by Capt^a Maul our present Surveyor to stay there some time by reason of the great want there is of me—I have had several invitations to Virginia with great allowances would I accept them as appears by Col^l Duke's letter to me who is one of the councillors of that colony, but I chose rather to slight them for the service I am engaged in I have obeyed the Society's Orders to a punctilio in giving you an account of my proceedings half yearly and shall endeavour to do, so during my continuance I am melancholy enough that I can have no answer to my Bills drawn on M^r Hodges which I can't but think is very hard, considering I am left destitute in this remote part of the world, you ever appeared my good friend in London and dare I presume should entreat you to solicit him to dispatch this drawn on him now as well as the former—I can't imagine how he thinks I can subsist, the country allows nothing and of consequence the Society must be my support and I hope for the future more punctual payments will be made I design (God willing) to continue here till I receive an answer to this, and could then wish for a place of settled residence. The difficulties I have gone through are almost inexpressible and one distemper or another like the Thunder & Lightning continually disturbing me. Thank God, I am extremely beloved by the Inhabitants which is notorious enough and were they in any condition I should have their assistance I shall never get M^r Adams' Books from Old Sanders and therefore hope you'll consider me by remitting me a parcel in the next Ships that come to Virginia please to direct them to meet me at Hampton and care will be taken there to

send them me up. The choice I leave to your better Judgment though I could wish for some of Physick, with D^r Cave's 2 Vol: of the lives of the fathers, and all Colliers Essays and Norris's works, D^r Leaks single Vol: would be of use I take all imaginable care to discharge the great trust that's reposed in me according to conscience I am ashamed to tell you of my fare: for the whole year is one continued Lent fish being the constant attendant on the Table I have writ to my good Lord of London as I am in duty bound and also to M^r Hodges I beg of you Sir to send those Books and remind M^r Hodges if you please to pay Shop Bills, for when I want money I send to Virginia to M^r Edmond Kerney Merchant there and he supplys me I shall take no other way of payment during my stay here it being the readiest and best.

I am Sir &c

GILES RAINSFORD

Missionary

[COUNCIL JOURNAL.]

NORTH CAROLINA—33

At a Councill holden at y^e house of y^e Hon^{ble} Co^{ll} Tho^s Pollock Esq^r in Chowan on ffryday 7th day of Aug^t Ano Dⁿⁱ 1713

Present the Hon^{ble} Tho^s Pollock Esq^r Presid^t &c

The Hon^{ble}

{	Tho ^s Boyd	}	Esq ^r L ^{ds} Prop ^s Dep ^{ty}
Nath Chevin			
Christo Gale			
Tob ^t Knight			

Whereas divers persons in this Gover^{mt} have for a long tyme past held Lands on no other title than a survey and doe refuse to pay any Quit Rents therefore because they have noe pattents for y^e same notwithstanding their own neglect is y^e Chiefe Cause thereof

Wherefore it is Ordered and Declared by this Board that y^e Quit rents of all Lands are Due and ought to be Levved and paid from y^e date of y^e Survey notwithstanding pattents are granted for y^e same at any tyme after

It being represented & complained of to this Board that Prichard Jasper has sold as a slave one of our ffriendly Indvans Wherefore It is Ordered by this Board that the Provost Marsh^{ll} of Bath County or his Deputy doe take y^e said Jasper into his custody & him hold until he give good Security to appeare before this Board on y^e third day of y^e next Gen^l Court to answer the said Comp^t

Whereas Comp^{lt} has been made to this board by Maj^r James Coles that Tho^s Bayly Author Winchester Jno Winsloe James ffitch Jn^o Newby Benja Munday W^m Ellat and Jonathan Sherwood in a mutinous maner did Contemn and resist the Lawfull authority of this Governm^t being Imprest on an Expedition ag^t Indyan Enemy

Wherefor It is Ordered by this Board that y^e Provost Marsh^{ll} or his Deputy doe take y^e severall persons above named into his Custody & them hold untill they give good Security to appeare at y^e next Gen^{ll} Court to answare y^e said Comp^{lt} and in y^e mean while to be of their good behaviour.

M^r John Porter one of y^e Exec^{trs} of y^e last will & Testam^t of his father Jn^o Porter Dec^d produced to this board y^e Said last will & Testam^t of his said father proved before Jonathan Thomas Mayo^r of Bridgewater in the County of Somersett in the Kingdom of Great Brittain and prayed Letters Testamentary thereon And also that appraisers might be appointed to appraise y^e Said Estate and make division thereof according to y^e purport of Said Will.

Ordered that Letters Testamentary be Granted on the said Will accordingly and that Co^{ll} Edward Moseley M^r James Tooke M^r Tho^s Peterson M^r Nicho Crisp and M^r Arguste Lymonds or any three of them being first Sworne thereto before some Magistrate doe appraise y^e Said Estate and make Division thereof pursuant to y^e purport of the said Will as afs^d

Upon reading of a Letter lay^d before this Board by the Hon^{ble} the presid^t from y^e Lds prop^{trs} wherein their Ldsps doe direct us to forbear any Acts of Hostillitys or Severity ag^t Co^{ll} Cary or his adherents for any of their late Crimes or Misdemeanors in this Governm^t untill y^e arrivall of Co^{ll} Nicholson whome they have authorized to Enquire into those Matters

It is thereupon agreed that all further prosecution ag^t y^e Said Cary or any of his adherents for any Crimes Mutinys Insurrections or Rebellions past be respited untill y^e arrivall of said Co^{ll} Nickolson pursuant to y^e Directions of y^e Lds prop^{trs} afs^d or untill wee are Certainly advised that y^e Said Nickolsons Intentions of Comeing are altered—

Ordered that Capt Jenkins doe deliver to y^e provost Marsh^{ll} a Mellatto Boy which he pretends was bound to him by his parents in order that he may be sent to his said parents againe

It is Ordered and Agreed by this Board that y^e Hon^{ble} the president be fully Impowered to treat wth y^e Meherrin Indiyans and to enter into Such

Articles or Agreem^{ts} wth them on behalfe of this Governm^t as he shall think fitt—

C GALE
T KNIGHT

THO^s POLLOCK
THO^s BOYD
N CHEVIN

[B. P. R. O. B. T. VIRGINIA. VOL. 58.]

JOURNAL OF VIRGINIA COUNCIL.

The 12th day of August 1713.

On reading at this Board a Copy of the articles of peace concluded between the Government of North Carolina and King Blunt and others of the Tuscaruro Nation. It appearing that in the said Treaty no notice is taken of any of her Majesty's other plantations, although the Government of North Carolina could not be ignorant that on their account this Country hath been particularly in open hostility with the Tuscaruros & that in all the advances made by the said Tuscaruro Nation for making Peace with this Colony particular stipulations have been insisted on by this Government in favour of the people of Carolina; and since before the conclusion of the said Treaty with Carolina the Governor did by several Letters desire that Virginia might be included or that Blunt should be sent in hither to treat a part and give assurance of his future peaceable behaviour to the Inhabitants of this Colony. The Council cannot but consider this proceeding of the Government of North Carolina as an act highly prejudicial to her Majesty's service very disrespectful to this Country and ill deserving that assistance which has been given from hence in the Exigency of their Affairs. And therefore the Council are further of Opinion that the orders for seizing such of the Tuscaruros as shall come within this Colony be continued and the prisoners now in custody secured untill the said Blunt shall come in to conclude a Peace with this Colony. And the Governor is desired to insist with the President of Carolina that he be sent in accordingly.

[B. P. R. O. B. T. NORTH CAROLINA. VOL. 6. P. 29.]

1713. AUGUST 13th

HENRY DUKE OF BEAUFORT PALATIN, JOHN LORD
CARTERET AND THE REST OF THE LORDS
PROPR^{rs} OF THE PROVINCE OF NORTH
CAROLINA IN AMERICA.

To Francis Brooke Esq^r
Our Surveyor General or to the
Surveyor General for the time being
of our Province of North Carolina.

Charles Eden Esq^r our present Governor of North Carolina having given us many proofs of his inclination to our service, and his hearty Endeavours to promote the general good of our Province aforesaid, We are therefore desirous to give him all due Encouragement for the same, And We do hereby command you our Surveyor General, to admeasure and set out for the use of the said Charles Eden and his Heirs 1000 acres of land, according to the Rules and Customs of our said Province, that Grants in Fee may be passed to him, and his Heirs accordingly reserving a Quit Rent of Ten shillings yearly to be issuing out of the same to us, Our Heirs and Assigns for ever.

And for so doing this shall be your sufficient Warrant Given under our Hands and Seals at St James this 13th day of August 1713.

BEAUFORT Palatin
CARTERET
M. ASHLEY
J. DANSON

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a councill holden at y^e house of The Hon^{ble} Tho^s Pollock Esq^r
Presid^t &c in Chowan on Saturday y^e 19th day of Aug^t A^{no} Dⁿⁱ 1713

Present the Hon^{ble} Tho^s Pollock Esq, Presid^t

The Hon^{bls} { Tho^s Boyd
Christo Gale } Esq^r Lds prop Dep^{ty}
T Knight

Upon Complt made to this Board by Daniell Gutheree Dep^{ty} Marshall for y^e precinct of pasquotank that Robert Morgan Jno Sawyer Sen^r Jno Sawyer Jun^r Edward Williams Richard Hastings and Robert Sawyer did utterly refuse to pay y^e fine of ffive pounds due from them by act of Assbly for not going out in y^e Indyan Warr And in Contempt of the said Act did by fforce and armes Rescue and take from him y^e Marsh^l divers goods on which he had made Distress for y^e Same pursuant to y^e Said Act.

Whereupon it is Ordered by this Board that y^e provost Marshall or his Deputy doe forthwth take the severall persons above named into his Custody & them hold untill they give good Security for their appearance at y^e next Gen^l Court to answare y^e Said Complt and that in y^e meane while they be of their good behaviour—

Whereas the Sloop Yamesee Transport now belonging to Capt Edm^d Bellinger is Imploy'd in y^e Service of this Governm^t

It is ordered by this Board that Capt Lyon^l Reading Cap^t Jn^o Drinke-water Capt Jno Clarke & Tho^s Harding or any three of them being first Sworne thereto doe forthwth appraise y^e Said Sloop wth all her tackle furniture & Apparrell and make returne thereof accordingly

THO^s POLLOCK

THO^s BOYD

C GALE

T KNIGHT

[FROM POLLOCK'S LETTER BOOK.]

Copy to Governor Craven.

CHOWAN Sept 1st 1713

Hon'd. Sir

Yours of August the 6th by the yamassee packet-boat recieved. and as for sending letters by Capt Maurice Moore to request a fresh supply of forces with all expedition it is certainly a mistake for I sent no letters at all by him, neither knew I of his going until after his departure. My letters then sent to you were by M^r Paule, the master of the sloop or packet boat, dated February 20th being a month before the fort was taken, at which time there was no occasion of sending for more forces: neither in any letter that I have sent will you find that I have trifled, been wanting in any promises, or unsteady or uncertian in my councils; all that

are acquainted with me know that I do not use to be so unto any person, and much less to one of your worth and character, and whom in a great measure I owe my own and the country's safety. And as for what evil methods or customs may be in North Carolina, I shall not now determine, but can assure you that I hate such base ways as much as any person under your government. I write not this to raise any contest or differences with your Honor, which I shall always shun, but to justify myself if he that was agent, or any other person wrote to you for more forces, it was without my knowledge.

Your ordering Col Moore to leave a sufficient number of Indians behind, with a proper officer, to guard our settlement is *noble* and generous, and adds a chain more to the many obligations we have to your Honor.

Hon^d Sir Col. Moore ever since his arrival here hath behaved himself nobly and gallantly, and I believe his greatest enemies, (if he have any) can not find the least matter to blemish his management And I doubt not he will justify that I have not been wanting in my true Endeavors to supply and assist your forces.

Hon^d Sir As you have been our guardian angel to free and deliver us from our cruel and decietful enemies, so I hope, if they should break out again, (there being but little trust to be put in Indians) you will continue your goodness and generosity towards us, and preserve what you have saved. As for your expenses about your arms and ammunition and the sloops here, shall not fail to use my utmost endeavor to have it satisfied this fall for if there be no occasion of raising of provision to maintain any forces, it may easily be done by the assembly, which is to meet November next.

Having great confidence in King Blount, that having suffered so much he will now be glad to be quiet, and may be a good guard to our frontier where would entreat your Honor to put a stop to your Indians falling upon him until we see how he behaves himself Have ordered that the Yamassee Galley, on her delivering what is now sent into her at Charlestown by Col Moore, to be clear and out of our country pay, unless your Honor have occasion to send her here again.

That no civil jars or discords, nor foreign Enemies molest your administration; but that desired success may attend all your glorious undertakings, shall be the wishes of Hon^d Sir ———

Sent by Col. Moore

[FROM POLLOCK'S LETTER BOOK.]

*Copy to Mr. Hart.*CHOWAN Sep^t 1stHon^d Sir

Yours of the 1st of August received, and can never sufficiently acknowledge the great obligations this poor country has to you; your industrious care and application, next to Governor Craven's having been the chief cause of bringing us in such a sure way of conquering our enemies, and of having peace and quietness.

I am much troubled that Governor Craven seems to charge me with trifling, breach of promise, and uncertainty and unsteadiness in councils without any cause or occasion that I know of, and I believe none that knows can accuse me of any such matters. The chief reason that I can gather by his letters is that by letters by Capt Moore he was requested to hasten in more forces to our assistance, and when he had sent them we ordered them back: which is a mistake for I wrote no letters by Capt Moore, neither knew I of his going until after his departure. What letters I then sent were by M^r Paule, Master of the packet-boat, dated Feb. the 20th, not requesting any more forces for being a month before the taking of the Fort, we had then no occasion of more forces, and it was a surprise to me to hear of more forces coming. Howsoever, as soon as I heard of it I sent to Virginia, I sent all over our country to see to raise for them what I could, but I found it could not be done. And then, there being no enemy to go against but a few Mattamuskeets, against whom we had sufficient forces before, concluded it was better to send them back, than to have them lie here and destroy and eat up the people's stocks without any expectation of advantage to themselves in getting slaves: and which I believe would have raised most of the people here against me, at least have given the opposite party (which seems now to be more strong since Col. Cary came in) a handle to stir them up against me.

Hon^d Sir If it had been with me as it hath been not many years since, I would have supplied them myself. But since the beginning of our troubles I have not been less out than £2500, besides £612 sterling in bills of Baron Graffenried came in protested so that I am not able to do as I would. I doubt not Col. Moore can testify that there hath been no want of my true Endeavors of supplying your army.

Hon^d Sir King Blount having suffered much this war gives us hopes that he will now be glad to be quiet, and may be a good guard to defend

our frontier, and cut off what stragglers may be left of the Cores or Co-technees, and be a great help to us in destroying the Matamuskeets, that are left; wherefore would earnestly entreat your interest with the Governor to put a stop on any more of your Indians coming in against him, until we see how he behaves himself. But if he should break out against us (there being but little trust to be put in Indians) I hope you will continue your goodness towards this poor people, and procure us what help would be necessary.

Our assembly being to meet in November next, shall not fail in using my true endeavor to procure of them the raising of the Governor's Money for the arms and ammunition he sent and for the hire of the packet boat in such commodities as may answer. I am incapable of expressing our obligations to Col Moore, who ever since his first arrival hath behaved himself as a valiant, wise, and prudent commander ought to do.

As the delivering of innocent captives, of widows and fatherless, of aged and impotent from their cruel and barbarous enemies, and the revenging innocent Christian blood shed by them must needs be meritorious actions (if any are) so albeit these poor people are not able in the least to retaliate Governor Craven, you, and the rest of your Government, who have been instrumental in our deliverance; yet I doubt not, Heaven will pour down its chiefest blessings upon you for such virtuous noble deeds, which shall be earnestly wished for by him who most sincerely is,

Hon^d Sir

Y^r M. O. H. S^t

SIR—Albiet the ceasing of the war and discharging of the packquett boat may take of much of the occasion and opportunity of writing to you, yet shall be very ambitious of the honor of the correspondence of so worthy a person as you are, and shall not fail of presenting my humble respects to you by all opportunities.

T. P.

sent by Col Moore.

NORTH CAROLINA

To Capt Edward Bellenger, Master of the Yamassee Gally.

You are, after having taken on board what Col. Moore pleases to send by you and having cleared according to law, to make the best of your way with the Yamassee Gally to Charlestown in South Carolina and there having entered your vessell as the law requires make delivery of what you have according to Col Moore's orders, and then the vessell to be

cleared and discharged of this country service,—unless Governor Craven have occasion to send here in again here, which if he have then obey such orders and instructions as you shall receive from him. Your safe and prosperous voyage is hartily wished for by Sir

Your H Serv^t

T. P.

[B. P. R. O. BOARD OF TRADE. NORTH CAROLINA. VOL. 5. P. 71.]

Sir

The public Business having call'd some of the Lords Proprietors out of the Town, their Lordships commanded me to inform you that at the request of the Gentlemen of your province they had consented that their Order prohibiting the sale of land except such as should be directed by Special Warrant, sign'd at their Board should be revok'd and their Lordships have directed warrants as usual for the sale of Lands to be issued out of the Secretarys Office, with such conditions as are expressed in their warrant herewith enclos'd to which I refer you.

I am further directed by their Lordships to transmit you a Copy of a Letter they receiv'd from the Lords of Trade and plantations wherein Her Majesty is pleased to Command that none of Her Subjects be sent from any of Her Majesty's Plantations as Prisoners, without good Proof first made of their Crimes and that proof transmitted along with such prisoner.

As to the Letter their Lordships received from you and the Council relating to the Boundaries between South and North Carolina, their Lordships took that Business into their consideration but thought it a matter of such consequence that it required to be more maturely considered of, and therefore adjourned it for that time I shall take care to lay it before their Lordships at their next meeting and shall endeavor all I can to have a determination of that Matter in your Favor.

I

Your Obedient humble Serv^t

R. SHELTON

Sep^{er} 3^d 1713

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

Att a Councill holden in y^e house of Co^{ll} Tho^s Pollock Esq^r in Chowan on Wednesday y^e 22^d day of October A^{no} Dⁿⁱ 1713

Present the Hon^{ble} Tho^s Pollock Esq^r presid^t &^c

The Hon^{bles} { Nath Chevin
Christo Gale
T Knight } Esq^{rs} Lds prop^{trs} Dep^{ty}s

Cap^t Tho^s Lee having represented to this Board that he by virtue of a comission from y^e late Gov^r Hyde for Rainger had taken and secured a conoe that formerly belonged to one Jn^o Butler who had fled for divers Crimes from South Carolina and pray'd an ord^r of this Board to whome he might deliver ye said Conoe

Orderd that y^e Said Canoe doe remaine in the Custody of y^e Said Lee untill farther Ord^r of this Board

Willm ffryly havinge represented to this Board that he had taken up a Horse Some tyme ago that was a stray & unmarked horse by Virtue of a Comission from Wm Glover Esq^r the late presid^t of y^e Councill & Comand^r in Chiefe which said Horse was first taken up by James Long by virtue of a comission from Co^{ll} Cary in y^e tyme of his usurpation Wherefore prays y^e said Horse may be Confirmed to him y^e Said ffryly by virtue of the afs^d Comission And this Board haveing Considered the matter it is their oppinion the said Horse Doe properly belong to y^e said ffryly as afs^d and thereupon

It is Ordered that y^e said Horse doe remaine to y^e said ffryly's owne proper use

Upon Petition of Mad^m Catha Hyde Adm^{tr} of y^e Goods and Chattles of y^e Hon^{ble} Edw^d Hyde Esq^r praying appraisors may be appointed to appraise y^e Estate of y^e said Edw^d Hyde

Ordered that Cap^t Robert West M^r Jn^o Bird M^r Jn^o Hardy and M^r Tho^s West or any three of them being first Sworne thereto Doe Appraise all y^e Goods & Chattles of y^s Afs^d Edward Hyde as shall be presented to them by the said Catha Hyde adm^{tr} as afs^d

Whereas it doe appear to this Board that there is likely to be very greate Want of provisions to suply y^e Wants of y^e army that is Dayly expected from South Carolina as well as for our owne force now in armes ag^t the Indians

It is ordered by this Board that noe Graine be exported out of this Governm^t either by Land or water untill farther order from this Board

and that all officers Concerned in y^e Clearing of any Vessell Doe have Due regard to this order

Whereas it dos appeare to this Board that there has been divers persons Imploy'd by the Hon^{ble} Edw^d Hyde Esq^r late Gov^r of this province in receiving and Collecting y^e Quit Rents in this Governm^t for the end therefore that it may appeare to this Board of whome and how much moneys there has been rec'd by those persons

It is ordered by this Board that all such persons as have been so Imploy'd by y^e Hon^{ble} Edw^d Hydes Esq^r in Recovering and Collecting any Quit Rents as afs^d Doe render a true and Just acco^t thereof in manor following (Viz^t) the name of y^e person from whome rec'd the number of acres they hold and how many years Due and to whome they have accounted for y^e same which acco^t they shall returne into y^e Sec^{ty}s Office in order to be lay'd before this Board by the last day of November next and they will answe^r the contrary at their perill

THO^s POLLOCK

THO^s BOYD

N CHEVIN

C GALE

T KNIGHT

[COUNCIL JOURNAL.]

NORTH CAROLINA SS

Att a Council holden at y^e house of Cap^t Tho^s Lee in Chowan on Wednesday y^e 4th day of Nov^r A^{no} Dⁿⁱ 1713

Present The Hon^{ble} Tho^s Pollock Esq^r Presid^t &c

The Hon ^{bles}	$\left\{ \begin{array}{l} \text{Thos Boyd} \\ \text{N Chevin} \\ \text{Wm Reed} \\ \text{C Gale} \\ \text{T Knight} \end{array} \right\}$	Esq ^r Lds prop ^{trs} Dep ^{ty} s
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Upon Petition of Maj^r Morris Moore showing that one W^m Harris a Soldier und^r his Comand is lately Killed by the Enemy Indyans and prays that such of the Estate of said Harris as is to be found in this Govern^t may be put into his Custoday for defraying his Just Debts.

Ordered that y^e said Maj^r Moore has Adm^{tion} of y^e s^d Harris's goods Committed to him for y^e purpose afs^d—

It appeareing to this Board that Kellam Tyler is Dead and hath left One Only Child by name Katherine Tyler liveing & an Infant and Tho^s Blount being nearest of Kin to y^e s^d Kellam

It is Ordered by this Board that the said Tho^s Blount have y^e Guardianship & Tuition of y^e Said Katherine Tyler and also Adm^{tion} of all Goods and Chattle that were of y^e said Kellams on behalfe of y^e said Katherine and dureing her Minority—

Upon Petition of Solomon Jordain Showing that One Roger Snell was bound to his late wife before his marriage wth her—untill he shall come to y^e age of Twenty one yeares which tyme has not yet Expired And y^e Said Roger has now absented his Said Services therefore prays an Order of this Board to take up his said servant againe

Ordered the y^e said Sollomon Jordain be Impowered to take up y^e said Roger Snell wherever to be found and keep him untill he shall Come to y^e said age of One & Twenty Yeares pursuant to his former Indentures—

Upon Petition of Jno Debt Showing that when he was out in y^e Service of this Governm^t ag^t y^e Indyan Enemy the Provost Marsh^{ll} made Distress upon a hand saw belonging to him for five shills Due for his Levy's which hand saw is now in y^e possession of ffra Beezely being p^d to him for y^e afs^d Sume of five Shills by the Treasurer of the Precinct of Perquimons And prays that he may have his Said Hand saw againe paying y^e afs^d Sume of ffive shills to y^e Said Beezely therefore

Ordered that y^e said ffra Beezely doe deliver to y^e s^d Jno Debt y^e afs^d handsaw he paying & Delivering to him the sume of five Shills in good & Merchantable Comodities of this Governm^t at y^e rated price

Whereas Sollomon Jordain haveing represented to this Board that Jno Walker former husband of his late wife Eliza Jordain Did by his last will & Testam^t Order & bequeath a plantation to him belonging in Nuse and not Pattented to be disposed off for the paym^t of his Debts and the said Jordain's father showing that he has & is willing to pay and Discharge the Said John Walkers Debts and therefore prays that he may have a patent for y^e Same Land in his owne name. But for want of the will of y^e Said John Walker to make the Same Allegation Certainly appeare and to prevent y^e afs^d Land Lapsing before he can produce y^e Same

It is Ordered that y^e Said Land doe Continue on y^e Same foot it now stands on untill y^e next Councill in Order that y^e said will may be produced and then if it dos appeare as is above alledged that the s^d Jordain have a pattent for y^e same Land paying to y^e Lds prop^{trs} rec^d the purchase money now Due therefore.

Upon Petition of Jno Smithwick showing that a tract of Land on Kesiah River Conteyneing 440 acres was formerly granted to Edw^d Smithwick by Pattent and is Lapsed for want of Seating and prays the same may be Granted to him

Ordered that y^e same Land be granted to y^e said John Smithwick as pray'd

Upon Petition of Rich^d Davenport Showing that a tract of Land lyeing on Morratock Conteyning 640 acres was formerly granted by patt to W^m Jones & is now Lapsed for want of Seating and prays the same may be granted to him

Ordered that y^e Same Land be Granted to Richard Davenport as pray'd

Upon petition of John Whitby showing that he being Indebted to One Ebernier White y^e Sume of 10£ Confessed Judgem^t for y^e Sume in y^e Gen^l Court in July last upon promise that y^e s^d Ebineza would not take Execution within a Twelve monthes after Nevertheless the said Whitby being Imprest by the Hon^{ble} Co^{ll} Boyd to go after y^e Indyan Enemy the said White then Imediately tooke out Execution by virtue of which y^e Sherriffe James Dange levyed & Seized one horse mare & yearling of a much greater value than y^e said debt and without any notice given to yo^r Pett^r Sold y^e horse and he farther showeth that at his returne from y^e service afs^d he went and tended the money to y^e said White upon which he wrote to y^e said Dange to deliver y^e afs^d horse mare and yearling which he utterly refused & still dos detain the same Contrary to Law therefore prays that upon his paying w^t is actually Due that the Sherriffe may returne his goods againe &c And y^e matter being Duely heard & Considered by this Board

It is ordered that y^e Said Dange doe deliver the said Horse mare and yearling to y^e said Whitby againe he paying to y^e s^d Dange the afs^d Debt Ten pounds wth the Costs due to y^e said Judgem^t Deducting thereout his reasonable Cost and Charges in presenting this Petition—

Upon Petition of W^m Mitchell Showing that Jno ffoster is Dead and hath made noe will & that he is greatest Creditor to y^e Dec'd & therefore prays Letters of Adm^{tion} may be granted to him on y^e said ffosters estate

Ordered that y^e said W^m Mitchell have Letters of Adm^{tion} as pray'd

The Hon^{ble} Co^{ll} Thos Boyd producing to this Board a Certifycate attested and und^r the hand of Phillis Askue Widd & relect of Tho^s Askue Dec'd thereby Impowering him y^e said Tho^s Boyd to take adm^{tion} on y^e said Estate of her dec'd husband as greatest Creditor whereupon

It is Ordered by this board that adm^{tion} be granted to the said Tho^s Boyd as afs^d

Tho^s Roper having made appeare to this Board that he hath a right to £7 13^d out of the Claime Due to Jno Toby who was killed in Warr ag^t y^e Indyan Enemy by a note under y^e said Tobys hand which said note is either lost or mislaid amongst y^e papers of y^e Ass^{bly}

Whereupon It is ordered that y^e said Tho^s Roper have y^e afs^d sume of £7 13^d out of y^e publick Treasury if soe much of y^e Said Tobeyes there found to be Due & unpa^d

Upon petition of Jno Whitby Showing that his wife who was the Widdow & Relect of Tho^s Russell Dec'd Obteyned Orders for Letters of Adm^{tion} on y^e Estate of her said former husband in y^e precinct Court of Corratuck by pretext of which y^e said Court did exact security of his said wife in her widowhood and afterwards of him y^e said Jn^o Whitby Obliging him to returne and Inventory of y^e said Russell Estate to that Court of which he haveing failed the Deputy Marshall of the said precinct und^r pretext of an Order of y^e said Precinct Court Did break open his the Said Witbys house & Seize and Carry away his Household goods as also all his Catle and other things as well of right belonging to him y^e said Whitby as w^t was of y^e former Estate of the said Russell Contrary to Equity and Good Conscience

Whereupon it is Ordered by this Board that the said John Whitby have Letters of Adm^{tion} in right of his said wife on y^e afs^d Tho^s Russells Estate and that the Said Deputy Marshall of Corratuck precinct Doe returne all y^e Goods Chattles & Catle that he tooke under pretence of the afs^d Order to the said John Whitby at his Owne house wth all convenient speed as he will answare y^e Contrary at his Perrell without any Cost of y^e said Jno Whitbeyes either for y^e Execution of the afs^d Order or for the Delivery againe of y^e Said Goods or of any proceedings that has been had thereon and that he returne an Inventory of y^e Said Estate to y^e Sec^{rys} Office pursuant to y^e purport of his Said Letters of adm^{tion} & his Security Given thereon.

Upon Petition of W^m Mitchell Adm^r of y^e Goods & Chattles of Jno ffoster Dec'd praying appraisors may be appointed to appraise the said ffoster Estate.

Ordered Nath J^r Everett John Browning Mathew Addams & Henry Middleton or any three of them being first sworne thereto doe appraise y^e said Estate and make returne thereof accordingly.

Upon Petition of Co^{ll} Tho^s Boyd Adm^r of y^e Goods & Chattles of Thomas Askue Dec'd praying appraisors may be appointed to appraise to said Estate

Ordered that Henry Davis Patrick McKuen ffra ffeano & John McKuen or any three of them being first sworne thereto doe appraise the said Estate and make returne thereof accordingly.

Upon the Petition of Mary Lawson showing that a Tract of Land in Cuscopoung Conteyneing 109 was formerly granted unto James ffewox by pattent is lapsed for want of Seating in Due tyme & pràys the same may be granted to her.

Ordered that the said Land be Granted to the said Mary Lawson as prayd for

T. KNIGHT

THO^s POLLOCK
THO^s BOYD
N CHEVIN

[COUNCIL JOURNAL.]

NORTH CAROLINA SS.

Att a Councill holden at y^e house of Capt Hecklefield in Little river on Wednesday the 5th day of November A^{no} Dⁿⁱ 1713

Present the Hon^{ble} Tho^s Pollock Esq^r Presid^t &c

The Hon^{ble} { Nath Chevin
Tho^s Boyd
W^m Reed
Tob Knight } Esq^r Lds prop^{tr} Dep^{ty}s

Upon Petition of Antho Alexander Setting forth that on y^e 20th day of Aug^t 1702 one John Burkett took up and surveyed (by Jn^o Andenson Dep^{ty} Survey^r) a certaine parcell of Land conteyning 154 acres in Alligator Creek begining at a Gume by y^e side of a great Swamp comonly Called or knowne by the name of ffifty tree swamp running down y^e s^d swamp No 55 E^t 46 pole yⁿ No 77 E^t 40 poles then No 65 E^t 160 pole then So 20 W^t 175 pole to y^e pocofson then No 41 W^t 220 poles to y^e first Station as in & by y^e plott & Survey thereof Signed by y^e Said Anderson & ready to be produced will more fully and at large appeare and further showeth that for a valuable Consideration paid in hand to y^e s^d Jn^o Burkett by your pet^r y^e Said Burkett did make over & Confirme unto him y^e afs^d Tract of Land as in & by a certaine Deed bearing Date y^e 12th of June 1705 Acknowledged in open Court Registered & ready to be produced will more fully and and at large appeare and farther showeth that he hath been ever since in possession of y^e said Land either by

himselfe Tenant assignes and Constantly and duely paid Quit Rents for y^e Same rec^{ts} for which he hath ready to produce and hath used all oppertunitys to get a patent for y^e Same but hath been hindered Chiefly by y^e Confusion this Governm^t hath been of late in Now Soe it is that one Mathew Midgett hath Surreptitiously Caused a survey of y^e afs^d Land to be made in his own name and hath under hand procured a pattent for y^e Same altho he y^e s^d Alexand^r was in possession as afs^d and being Ignorant of y^e vile practices of y^e Said Mathew Midgett had noe oppertunity to put a stop there to and therefore humbly prays that y^e Said pattent may be cancelled & that he y^e Said Alexander may have a pattent for y^e Same as of right is Due to him And thereupon y^e s^d Mathew Midgett appeared and made his defence thereto and y^e said Alexander having produced a returne of y^e Survey returned into y^e Sec^{rys} Office for y^e afs^d Land in y^e afs^d Burketts name as above sett forth in y^e s^d Petition and y^e whole matter being duely heard & Considered on both sides

It is Ordered & Decreed by this Board that y^e Said Antho Alexander have a pattent for y^e Afs^d Land according to y^e afs^d Survey and y^e Afs^d pattent Granted to y^e afs^d Mathew Midgett as afs^d is hereby declared to have been Surreptitiously obteyned And invallid to all intents and purposes whatsoever And It is hereby farther Ordered that y^e Said Alexander Doe as Soone as Conviniantly he Can lay out his said Land According to his former Survey And that Mathew Midgett have Liberty to take up y^e Vacant land if any there bee

Upon the petition of Jonathan Evans Legatee of y^e last will and Testam^t of Richard Evans Dec^d Setting forth that his father Richard Evans was seized and possessed of a Certain plantation and Tract of Land Seituated lying & being in perquimons precinct Conteyneing three hundred and fifty acres and being Soe Seized and possessed as afs^d Departed this life and by his last will and Testam^t Devised y^e same to him y^e Said Jonathan as in & by y^e said Will relation being thereunto had may more fully apear Nevertheless Peter Jones of y^e afs^d precinct well knowing the afs^d plantation and tract of land to be y^e Said Jonathan's Lawfull & rightfull Inheritance one hundred & fifty acres part & parcell thereof hath survey'd thereby Obstructing him y^e said Jonathan to survey the same Contrary to Equity and Good Conscience wherefore prays that y^e Survey made by the said Peter Jones may be null & Void And that he may be admited to Survey the Same

Upon Petition of Mary Hobbs praying for an Escheat of a tract of Land in Nuse now in her possession formerly belonging to David Wharton Dec^d

Ordered that she has y^e first right to that Escheat Complying wth such Instructions as wee may receive from y^e Lds prop^{rs} on that acco^t

Upon Petition of Richard Graves praying that he may Escheat a Certain Tract of Land formerly belonging to David Wharton Dec'd lyeing between Cate's Creek & Island Creek in Nuse river

Ordered that y^e said Richard Graves have y^e first right to y^e said Escheat Complying with such Instruction as wee may receive from y^e Lds prop^{rs} on that acco^t

Upon Petition of John Walker of Corratuck precinct setting forth that he entered a tract of Land in Corratuck afs^d wth M^r Tho Swann Dep^{ty} Survey^r in Nov^r last & lay'd rights in his hands and requested him to survey y^e Same Notwithstanding which he neglects Soe to doe & has now entered y^e Said Land for another person and y^e Said Walker haveing settled on y^e Same Land doe therefore pray that a warr^t may be directed y^e Said Swann Comanding him to survey y^e Same Land for him pursuant to his former Entry as afs^d And it appearing to this Board that it has been wholly y^e neglect of y^e Said Swann that y^e afs^d Walker had not his Land duely lay'd out unto him as of right he ought in Due tyme and that y^e same doe of right belong to him.

Whereupon It is ordered by this Board y^e afs^d John Walker have y^e s^d Land laid out for him & that a warr^t be directed to y^e Survey^r for that purpose.

Upon Petition of Co^{ll} W^m Bruce Showing that Peter Warden late of this Governm^t is Dead without will and is Indebted to him y^e s^d Bruce in y^e full & Just sune of fforty pounds by Specialty And thereupon prays Administration of Said Wardens Estate as greatest creditor

Ordered that y^e Said W^m Bruce have adm^{tion} as pray'd and that Jn^o Stafford George Bell W^m Hancock Sen^r & Jn^o Slocomb or any three of them being first sworne thereto doe appraise y^e Said Estate of y^e Said Peter Worden as it shall be presented to them by y^e afs^d W^m Bruce

It is ordered by this Board that Nath Chevin Esq^r Collector of y^e Queen's customes doe cleare M^r James Tooke's Sloop with her Loading any former Order of this Board notwithstanding.

Upon Petition of Richard Corp showing that Eliza Deane Widd is dead and hath made noe will and that he marry y^e only Daughter of y^e said Deane therefor prays Administration on ye said Deane's Estate in right of his wife as nearest of Kinn

Ordered that Adm^{tion} be granted to ye said Richard Corpe as prayd

Upon Petition of Cap^t ffred Jones showing that he hath two tracts of Land Surveyd upon Morattock river (Viz^t) one conteyning 4700 acres

by warr^t dated Nov 5 1706 and another tract containing 440 acres by warrant of y^e same and one tract of 600 acres by warrant of same lyeing on Nuse River and one other tract of 600 acres by warr^t dated Aug^t 1st 1706 lyeing also on Nuse river and ever Since that tyme been ready to pay y^e purchase money for y^e same and still is ready provided he may have assurances for y^e same and for as much as there is at present noe receiver in the Country on the Prop^{rs} acco^t to receive y^e said purchase money this boarde doe not think it proper to make or give any purchase pattents Nevertheless for securing the said Jones's title to y^e af^{sd} land

It is hereby Ordered that noe Collaterall Surveys or patentts thereupon Granted for any part of y^e said Land by what meanes soever made or obteyned Shall be of any Effect and that y^e said Jones shall have pattents for y^e same soe soone as any purchase pattents shall be granted from this Board for Complyeing wth such Instructions as the Prop^{rs} in that Case shall send to this Govern^t and that y^e said warr^t & retournes be recorded

Whereas we are credibly Informed that Co^{ll} James Moore may be dayly Expected in wth the South Carolina fforces

It is hereby Ordered that y^e Hon^{ble} The president Doe give such Instructions and make such agreem^{ts} or Treatys wth the said Co^{ll} Moore or ye Indjans in relation to carrying on this warr as he shall think Convenient and Enter into such other Articles or agreem^t wth Tom Blount or any other of our Neighbouring Indjans as he shall think proper.

Whereas we are Informed by the Reverend M^r Jn^o Urmston that M^r Richard ffrench have and Doe take upon him to Administer y^e Holy Sacram^t of Baptisme and to marry person without being duly qualified for y^e same

It is Ordered by this Board that y^e provost Marsh^{ll} Doe Sumons y^e said Richard ffrench to appeare at y^e next Councill to be holden at Capt Hecklefield on the third day of the next Gen^{ll} Court to answer to y^e said Comp^{lt} and that he forbid y^e said ffrench to marry or baptize any person in y^e meanwhile

Upon Petition of Tho^s Snoden Sen^r Showing that a tract of Land Seituated in perquimons precinct Conteyning One hundred and Eight Acres pattented in name of Benjamin Nicholson is lapsed for want of seating according to y^e tenour of an act of Assbly in such Cases made & provided and prays y^e same may be granted to him

Ordered that y^e said Land be granted to y^e said Tho^s Snoden as pray'd

Upon Petition of Richard Leary showing that a tract of Land on Island called Bats's Grave Seituate in Albemarle Sound formerly Granted

to Richard Davenport is Lapsed for want of seating in Due tyme persuant to y^e purport of an act of Assembly in that behalfe made and prays y^e same may be granted to him

Ordered that y^e said Land be granted to y^e Said Richard Leary as pray'd

T KNIGHT

C GALE
N CHEVIN

THO^s POLLOCK
THO^s BOYD
W^m REED

[B. P. R. O. B. T. VIRGINIA. VOL. 58—EXTRACT.]

VIRGINIA

Journal of Council in Assembly Friday Nov^r 6th 1713

The Governor was pleased to make the following speech
Mr Speaker

Gentlemen of the Council
and House of Burgesses.

* * * *

The Cloathing you intended for the relief of North Carolina has all been bought up and delivered but the greatest part of the thousand pounds still remains unexpended which has been occasioned by that Government declining to join in such measures as I might reasonably think this sum was appropriated for, You shall have laid before you a particular account of what has been expended whereby may be observed that part has been for stores of war sent to North Carolina and the rest for expeditions undertaken against the same Indians who were fighting against that Government.

* * * *

[FROM POLLOCK'S LETTER BOOK.]

November 16th 1713

Yours of Oct. 16th came to hand last night, and as for the Meherrin Indians, you have had wrong information concerning them: for they have answered to our Courts, they have submitted themselves to this

government, they have paid tribute here; so that they have not always been accounted in your government; but, on the contrary, have always here been taken to be in this; and it was only the convenience of trade that drew them to submit to yours, and the weakness of this government that suffered it. And moreover, they, living in the controverted bounds, are as much in our government as in yours, until the line determine under which they are.

And as the tributary Indians under this government are as much under Her Majesty as the tributary Indians of any other of Her Majestys plantations, so if I had endeavored to recover or presume and insure? the right to these Indians for the Lords proprietors, I can not see wherein it would have been any encroachment on Her Majestys rights, which I shall always study to preserve to the utmost of [my] power. As for your Honor's acquainting us that we may not expect any assistance of men from the Meherrins, and that you have ordered them not to acknowledge our government, all that I can say to it at present is that if Her Majesty's subjects under your government had laboured under the hundredth part of the difficulties and trouble that the poor people of this government have, I should not only not have hindred those Indians that you had any pretence of right to, but have allowed and encouraged all other tributary Indians here, and all other Her Majesty's subjects to assist what they could. I think it very hard you should blame me for not appointing Commissioners to lay out the bounds, when I never had any orders thereanent, either from Her Majesty or the Lords Proprietors.

I hope your Honor will take no exceptions at my lawful endeavors to maintain my masters, the Lords Proprietors, rights, so far as lawfully I can, it being my duty.

We have had nothing of moment worth communicating to you these several months last past, only that some scattered parties of our enemies do still distress us out of their swamps and lurking-places, killing many of our people.

But King Blount's men very often come up with some of them, having killed, taken and brought in the scalps of near thirty of them. And are in great hopes that, according to his promise, as soon as the people come from the northward that he expects that he will soon clear us of these straggling parties, which without his help we never shall be able to do ourselves. We have a report here that you are on some treaty with the Tuscaroras, and that there are intentions of drawing them in under your protection, and settling them in your limits; which seems to me so unjust, and the consequences so apparently destructive to Her Majestys subjects

here, that I can never think, those that mind their own interest more than your Honor? or safety and prosperity of Her Majesty's subjects, can persuade your Honor to consent to it. King Blount had been with you long before this, but his sickness and lameness hath hindered him, as for what orders Her Majesty hath given concerning the controverted lands, I know not, but can assure you, since I was confirmed in the administration, have given no allowance to the taking and settling lands there.

Hon^d Sir I have on my part earnestly endeavoured for a fair and friendly correspondence, which would be most acceptable.

[FROM N. C. LETTER BOOK. S. P. G.]

MR. RAINSFORD TO GENERAL NICHOLSON.

CHOWAN, North Carolina Dec. 1 1713.

I had the honor of a Letter (which you were pleased to convey) from the Society delivered me by the hands of our most worthy President, Col. Pollock. I understand my duty in part is to inform your Excellency what Libraries there are of the Society's in general, and of my own in particular in this Government. As to my own particular share of books, I received none except a parcel of small tracts with some prayer books which I dispose of where I see most occasion, and where the necessities of the people require, and where I find they are ready to put them to the use intended by the Society. I had an order of the Society's for the books of my Predecessor, the Rev^d Mr. Adams who died in Curatack, amounting to the value of Ten pounds, and now in the hands of Mr. Richard Sanderson, but never received one, tho' I often applied for them. The place where I at present officiate is on the west shore of Chowan River, where there are a considerable number of Inhabitants well disposed to the Interests of our Church as truly zealous in the defence of the country from the common enemy. Thanks be to God we have no disturbance among ourselves, but all people hearts unite and every Member of the Government is as happy as the times will admit of under the wise and prudent administration of our good President. I heartily thank your Excellency that you were pleased to condescend to take notice of me in your Letter to the President, and shall readily shew my gratitude by a cheerful and submissive obedience to your commands. There

is a great want of school masters in this Government for the instruction of children, which I hope you will be pleased to lay before the Society as you in your wisdom shall think fit. Please to pardon this presumption, and look upon it only as a branch of my duty which engaged me to let you know I received your commands, and how much I am (but with all due regard to the disturbance between us)

Your Excellency's &c

GILES RAINSFORD—Missionary.

MR. URMSTONE TO GENERAL NICHOLSON

NORTH CAROLINA Dec^r 1— 1713

Honored Sir

The good news of your Honors safe arrival at Boston was very welcome to most here and has increased rather than abated our longing desire of your presence here ever since we heard of the Lords prop^r their good intentions towards us in empowering so honorable a person to regulate the disorders and unaccountable confusions which the unhappy country hath been so long involved in the happy effects of the prudent care of other colonies when under your command makes your coming among us look the auspicious If ever we shall be a people worthy the care and protection of our mother country we must date it from the day of your arrival which God grant may be safe and speedy but give me leave to tell you your honor will have a pretty hard task on it I believe I need not tell you what a strange mixture of wretched mortals we have here many impatient of all discipline whether spiritual or temporal not a whit better than those St. Paul fought with at Ephes. & poor Col^d Hyde during his short reign was vilely puzzled with them but the honest gentleman our now honorable president hath met with many more difficulties not only a refractory disobedient and gainsaying people but a potent and cruel Enemy to struggle with when he took upon him so heavy a burden the Indian War was just begun but by his unwearied diligence and wise conduct hath been carried on with great success—A country preserved which every body that was but least acquainted with our circumstances gave over for lost and the Enemy forced to a peace upon Honorable terms our intestine broils and contentions (to which all the misfortunes which have since attended us are owing) are in a great measure appeased, factions and parties no longer heard of and all having sufficiently smarted for their past divisions agree in their good esteem and approbation of his administration his public spirit and earnest endeavours for the welfare of

this Government tho' at the expense of a great part of his estate hath gained him a great influence over all sorts and if not blessed with a plentiful fortune he could never have waded thro' so many difficulties

A perfect insight into the Interests of the country and a good estate are needful for a Governor and are very engaging with our folk and without that I plainly saw in Col^l Hyde the character will be despised and the honor due unto it not supported—

Sir in obedience to the commands of the Hon^{ble} Society & your honor I make you a humble tender of my best respects and take the liberty of assuring you I shall always have a due regard for the power wherewith you are invested by the Hon^{ble} Society with reference to us Missionaries as well as to the merits and repute your indefatigable pains and generous concurrence in the promoting our most holy Religion as by law established hath deservedly gained you from all good men but to give you as directed a succinct account at present of all matters relating to my Mission would be too tedious—At a General Assembly next after Col^l Hydes taking the Government on him a very favorable act was made in order to establish our Church but thro' the opposition of sectarists who are unwearied in seducing and perverting unsettled minds and stirring up an aversion in all that will harken them against our hierarchy and by reason of the poverty misery and calamities circumstances the country is reduced to— all Essays and attempts have proved abortive little or nothing done pursuant to the said act neither know I when it can be expected there should be for my part I despair of ever seeing it the fatigues and hardships I've been continually exposed to have quite wearied me, my constitution which has been heretofore healthy and strong and sufficiently tried by long and repeated Journeys and frequent change of climates is now broken—The air of America has been more disagreeable than that of a great part of the known world besides my health and strength are very much impaired—

I have supplied to the utmost of my power the whole county of Albemarle which is of a great extent above three years and an half have left no corner of it invisible I never was so hard put to it in all my life to keep soul and body together and subsist my poor distressed family I have been ill used by one whom I intrusted to receive my Salary and lay it out in Goods which would have turned to a good account here but for want thereof have been forced to draw Bills for England to the value of £250 St. of which I could have easily made a thousand pounds this country pay besides £45 St. I am to pay for my plantation when a dispute about the title is ended, which I believe will come before your honor.

My fellow laborer Mr. Rainsford, was with us two or three days in August 1712 and returned to Virginia on pretence of fetching in his goods, but loitered there till the Indian War broke out, which deterred him from coming again till about a month ago. He is now set down in my parish and saith that when the Inhabitants have once heard him they'll forsake me, and I must be turned out. I fear he is of a very contentious temper, I have seen him but once, and that was by chance. His carriage towards me was very haughty, as if I was some contemptible inferior—a rupture, which is almost unavoidable, would be of ill consequence, create mirth and diversion, among our adversaries who are always ready with or without cause to revile and reproach us, and it would be very repugnant to the business and disposition of a missionary. I understand he expects his salary from the commencement of his Mission, albeit he has done nothing for it. Mr. Gordon, my predecessor, was not at all out of the way in demanding an hundred pounds per annum to come back again hither. I wish I had gone where at first designed although I have had here the augmentation he desired but believe that would not have engaged a timorous man to have stayed here so long as I have done. If your honor would vouchsafe to prompt the Society to take into consideration my mean circumstances the loss which I sustained in the mismanagement of their bounty the pains I have taken for want of assistance and the little prospect of any encouragement from the country it shall ever be acknowledged as an extraordinary act of your accustomed goodness and charity (for in truth I am very poor) by

Honored Sir &c

JNO URMSTONE

[FROM CALENDAR OF VIRGINIA STATE PAPERS. VOL. 1. P. 170.]

MESSAGE OF GOV. SPOTSWOOD TO THE H. OF BURGESSSES
IN REGARD TO THE RELIEF AFFORDED
THE PEOPLE OF N. CAROLINA.

December 7th 1713.

Mr Speaker & Gen^{ls} of y^e
House of Burgefses—,

I herewith send you a particular Acc^t of what has been expended out of the sum, you appropriated last session for y^e Relief of N^o Carolina, & as ye proper vouchers that accompany it may

sufficiently testify y^t there has been no Fraud, so I'm persuaded each Article will show that there has been neither Extravagance nor Negligence in ye Disbursements & I can further assure you, y^t every material expence has been always first resolved on in Council—I have not only supplied that distracted Province wth more cloathing than their Presd^t asked, & furnished whatever Ammunition & Stores of war he wrote for, but have also preseed that Govern^{mt} by repeated letters to give me a meeting at such time & place as their Pres^d should think convenient, in order to concert the most effectual measures for our assisting them: & even at last, to urge them to it, I undertook in ye depth of winter a journey to South Key. but it was thought fitting to send to meet me then only two Persons, who had no other Powers, than to receive y^e cloathing, and to hear what I had to propose, & those Deputys plainly declared, that if I marcht any men to their assistance, I was not to expect from their Country, any Provisions for them, & that tho their Asembly by their address (w^{ch} moved you Gent^s of y^e House of Burgeses, to grant the supply last Session) had solemnly promised to provide the same, yet would not their Government agree to give the least security for reimbursing me, if I did find out means to furnish the Provisions—Thus have I been necessitated to confine my undertakings against ye Tuscoroura Indians, to this side of Roanoke River, where I might have it in my power to subsist the men, that were commanded out—: & as I have in this service, chiefly made use of the Rangers, who are paid by another fund, & of our Tributary Indians, who are always willing to march out for small Rewards, I have not expended half the sum I was entrusted with—But seeing that after all my zealous Endeavours & the Trouble & Expence, I have myself for these 3 years last past been at in behalf of our neighbours in N^o Carolina, they have continually frustrated my Designs & put the worst construction upon them, how honestly or affectionately soever I laid them for that Countrys' Service, I must now desire to surrender my Trust, not doubting but the seven hundred & odd pounds w^{ch} remain, can be readily applied for the Security & benefit of such of her Mat^{ys} Sub^{ts} as will not prove ungratefull—

[RECORDS OF GENERAL COURT.]

RECORDS OF GENERAL COURT.

NORTH CAROLINA SS

At a Gen^l Court holden for the province afs^d on Tuesday 31 March Anno Dⁿⁱ 1713

Pr^{sent} { The Hon Christo Gale C. J.
Thos Miller } Justices
Capt Jno Pettiver }

And then the Court adjourned till y^e morrow morning Eight of the Clocke. Wednesday Eight of Clocke the Court meet & satt

Pr^{sent} utt supra.

Antho Hatch Esq^r one of her Matyes Justices of y^e peace for this Governm^t Tooke & subscribed y^e severall oaths by law appointed for his Due Qualifica^on together wth y^e oath of a Justice of peace and took his place at y^e board

And then the Court adjourned for an hower att an hower the Court meet & satt

Nath: Chevin Esq^r attorney of Co^l Rob^t Quarry Esq^r personally came into Court & acknowledged the Sale of a plantation and tract of land containing ffour hundred acres lyng on y^e s^d W^t side of little river in the p^recinct of pequimans unto Cap^t Rich^d Sanderson

Ordered to be Registered

Upon petition of John fforree producing therewth an assignm^t from Mary Whitte widd^o & relict of vincent Whitte Deed: to the right of administra^on on the goods and Chattells of y^e Deed:

Ordered that the said Jn^o fforrey have administra^on on all and singular the Goods and Chattells of y^e said vincent white Deed and that Antho Markum Sen^r Antho Markum Jun Tho^s Mackreel & Jn^o Meades or any three of them: Inventory & apprise the Estate of y^e said vincent Whitte as the same shalbe shewed unto them by the administrator being first thereunto sworne before a Magistrate The Gent of the Grand Jury were sworne & are as followeth (viz^t)

Mr Jn^o Jordan: Mr Ebenezer Whitte Mr Rich^d Burtenshaw Sen Mr Mathew Midgett Mr Geo Harris Mr Bartho: Phelps Mr Sam^l Paine Mr W^m Carsewell Mr Jn^o Frueaile Mr Jn^o Harsell Mr Tho^s Avery Mr Jn^o White Sen Mr Jn^o White Jun^r Mr W^m Jones Mr Thomas Hicks Mr Pat: Eggerton Mr Jn^o Clarke Mr Jn^o Hicks Mr ffra: Hendrick

Co^{ll} Tho^s Boyd Esq^r Comes to pro^{ce} his suite ag^t Cap^t W^m Bray: and saith that the Def^t Stands Justly Indebted to the p^lt in the full Summe of fforty shillings: w^{ch} from him he unjustly Detaineth &c: and the Def^t being Called to make answer thereunto came not Whereupon the p^lt prayd an attachm^t ag^t the Estate of the Def^t which was granted.

Coll Tho^s Boyd Esq^r comes to pros his suite ag^t Dan^l MacKee: and Bartho: Phelps in a plea of Debt: and Saith that The Def^{ts} stands Justly indebted unto him the p^lt in the full Summe of Tenn pounds current money of No: Carolina and the Def^{ts} in persons appeares and confesses: fore one Barrill Stone Pitch & one Barrill of good sound Beafe and one good young Gentle cow & calfe according to the Condition of the obligation

Ordered that the said Def^{ts} pay unto y^e s^d Co^{ll} Tho^s Boyd: p^lt one Barrill Stone pitch one good sound Barrill Beafe & one young Gentle cow and calfe with Costs alias Exe.

Cap^t Jn^o Pettiver Esq^r comes to pro^{ce} his Suite ag^t Bartho: Phelps: in a plea of Debt and Saith That: the said Bartho: Stands Justly Indebted unto him the s^d Jn^o the full Summe & quantity of Three Barrills of Pitch to be Delivered att his the s^d Johns Landing as by his noat under his hand into Court brought may appeare and the said Def^t in person Came & Confesses according to specialty.

Ordered that the said Bartho: Phelps pay unto Jn^o Pettiver Esq^r the Said Summe and Quantity of three Barrills of Pitch Delivered at his y^o Said Jn^o Pettivers Landing according to Specialty wth Costs alias Exa.

Cap^t Jn^o Pettiver Esq^r comes to pros his Suite against Jn^o Snell in a plea of Debt and Declares for the Summe and quantity of nine Barrills of Marchantable Pitch w^{ch} to him he oweth: & from him unjustly Detaineth &c: as in and by his noate under his hand into Court brought may appeare and the said Def^t in person appeares and confesses.

Ordered that the said Jn^o Snell pay unto John Pettiver Esq^r nine Barrills of Marchantable Pitch according to Specialty with Costs alias Exa

Lett Execution be stayed for three months

A power of attorney: from Nath: Pirkins of Boston to Cap^t Jn^o Pettiver Esq^r was proved in Court by the oath of Tho^s Parris and ordered to be recorded

Nath: Perkins of Boston by: Tho^s Snoden his Attorney: Comes to pro^s his Suite ag^t Robt Coomes: in a plea of Debt: and Declares fore y^e Summe of Three pounds four Shillings and Six pence w^{ch} to the said

Nath : Pirkins he oweth & from him unjustly detaineth &c and the said Def^t in person appeares & Confesses

Ordered that Rob^t Coomes pay unto Nath Pirkins y^e sune of Three pounds four Shillings & Six pence with Costs als Exe

Nath : Pirkins by Tho^s Snoden his attorney comes to pr^{os} his Suite ag^t Rob^t Coomes in a plea of Debt and Declares for the Sune of ffifty Shillings w^{ch} to him he oweth: and from him unjustly Detaineth &c and the Def^t in person appeares & Confesses

Ordered that Rob^t Coomes pay unto Nath Pirkins the said sune of ffifty Shilling according to Specialty wth Costs als Exe

Tho^s Snoden Comes to pros his Suite ag^t Rob^t Coomes in a plea of Debt and Saith That the s^d Def^t Stands justly Indebted unto him y^e pth in the full Sune of ffifty Shilling in good marchantable fresh porke and the said Def^t appeares in person and Confesses accordingly.

Ordered that Rob^t Coomes pay unto the Said Tho^s Snoden the said Sune of ffifty shillings in porke according to Specialty with Costs als Exe

W^m Robbison and Laurana his Wife personally Came into Court and acknowledged the assignem^t of a pattent containeing four hundred forty five acres of Land lyeing in pascotank p^cinct to Rob^t Keelt:

Ordered to be registered

A Will of Alexander Smith Decd: was proved in Court by the oathes of Geo. Haughton Joshua porter and W^m Smith Evidences thereunto.

Tho^s Harris by Thos. Snoden his attorney Comes to pr^{os} his Suite ag^t: Edw^d Willams from an Importance the last Court and Saith That he y^e Sd Tho^s the first day of August last past was Seized and possessed of a certaine plantation and Tract of Land Lyeing and being in y^e p^cinct of Chowan within the Jurisdiction of This Court Containing one hundred Sixty Eight acres; As his proper & Rightful Inheritance and being Soc Seized & possesst as afs^d the said Edw^d afterwards (to witt) on the 28th Day of the Said month of aug^t with force & armes into the Same Did Enter & him the s^d Thos^s thereof Did Dissease and the Corne thereon Standing & Groweing with Certaine Treasts Did feed Tread Down and consume and other thing to him Did Enorminous and ag^t the peace of our Sovereigne Lady the Queen that now is and to his Greivous Damage &c: and the Def^t by Edw^d Bonwieke his attorney Comes and Defend the force & Injury when &c whatsoever &c and for plea Saith that he is not Guilty and of this he putts himself upon the Country and the pth in like manner wherefore it was Comanded the Marshall that he Cause to Come Twelve &c whome &c by whome &c

who neither &c and there came (to viz^l) M^r Tho^s Swann M^r Tho^s Harvey M^r Augustine Scarbro M^r Tho^s Collings Mr James Thiggepen M^r Rich^d Stamp M^r Jno Davis M^r Rob^t Keelt M^r Rob^t Temple M^r Jn^o fforree M^r Tho^s passingham & M^r W^m Rayfield who being sworne say wee of the Jury find for the pl^t Tenn pounds Damage with Costs

Ordered that Edward Williams pay unto Tho^s Harris Tenn pound wth Costs alias Exa Isaac Willson Comes by Tho^s Snoden his attorney comes to prōs his Suite ag^t Jn^o Whittby and Declares for y^e Sume of five pounds Eighteen Shillings and one peny halfe peny in good Tarr: w^{ch} to him y^e said Isaac: he oweth and from him unjustly detaineth &c And the Def^t being called to make answer thereunto Came not Whereupon the pl^t by his attorney at^{sd} prayed an attachm^t ag^t the Estate of y^e Def^t w^{ch} is Granted.

Moseley vs Davis Cont. till next Court by Consent of pl^t & Def^t.

And then the Court adjourned for an hower

att an hower the Court meet & Satt

Ebenezer White: Comes to prōs his Suite ag^t Jn^o Whittby in a plea of Debt and and Declares for the Sume of Ten pounds Ten Shilling w^{ch} the s^d Def^t to him Doth owe and from him unjustly Detaines as in & by one Certaine Instrum^t of writteing obligatory under the proper hand of y^e Def^t here in Court brought Doth & May appeare &c and the Def^t being Called to make answer thereunto Came not whereupon the pl^t prayed an attachm^t ag^t y^e Estate of y^e Def^t w^{ch} is Granted

Edw^d Moseley: by Tho^s Snoden his Attorney Comes to prōs his Suite ag^t Tho^s Holmes and Declares for the Sume of nine pound Sixteen Shillings: And five pence w^{ch} the Def^t by his Certaine Noate or bill under his proper hand to him the s^d p^t Doth owe & from him unjustly Detaineth &c: and the Def^t was Called to answer thereto but Came not whereupon the pl^t prayed an order ag^t the Marsh^{ll}

Ordēd that the Marsh^{ll} of Albemarle County have the body of the said Tho^s Holmes att y^e next Gen^{ll} Court als Judgm^t ag^t the Marsh^{ll} and the s^d Marshali prayed an attachm^t ag^t the Estate of the s^d Def^t which was granted him

Moseley v Jennett Con^t by Consent

Edw^d Moseley: Comes to prōs his Suite ag^t Bartho: Phelps in a plea of Debt and Saith That the Def^t Stands Justly Indebted to him y^e p^t in y^e full Sume of Twenty Shillings &c and the Def^t in person appeares & Confesses

Ordered that Bartho: Phelps pay unto Edw^d Mosely Esq^r the said Sume of Twenty Shillings wth Costs als Exa

Jn^o Newman by Edw^d Moseley his attorney Comes to prōs his acōn ag^t Obadiah Rich in a plea of y^e Case: and Declares for the Sume of Six pounds Two Shillings and Eight pence: by acco^t w^{ch} the Def^t from him unjustly Detaines and the Def^t was Called to answ^r thereunto but Came not Whereupon the p^{lt} by his attorney afs^d prayd an attachm^t ag^t the Estate of y^e said Def^t which was Granted accordingly

Jn^o Newman by Edw^d Moseley his attorney comes to prōs his Suite ag^t Jn^o Dunn in a plea of the Case and Saith that the Def^t Stands Justly Indebted to him the p^{lt} in y^e full sume of one pound Seventeen Shillings & a penny for Sundry good & wares by the p^{lt} to the Def^t Sold & Delivered the acco^t of w^{ch} is ready to be produced, and the Def^t was Called to answer thereunto but Came not wherefor the p^{lt} by his s^d attorney prayd an attachm^t ag^t the Estate of y^e Def^t w^{ch} was Granted

Jn^o Newman by Edw^d Moseley his attorney Comes to pros his Suite ag^t W^m Willson Sawyer in a plea of Debt and Declares for the Sume of Eight pounds Curr^t money of this province w^{ch} to him he oweth & from him unjustly Detaineth &c and the Def^t was Called to answer thereunto but Came not Wherefor the p^{lt} by his attorney afs^d prayd an attachm^t ag^t the Estate of the Def^t which is Granted

Upon: petition of Jn^o Whitte Sen & Jn^o Whitte Jun^r

Ordered that the s^d petition^{rs} be allowed the Sume of Eleven Shillings and Eight pence Each for their Traville & attendance being Sumon as Evidences by Tho^s Harris ag^t Edw^d Williams in an acōn of Tresspass

Upon petition of Margreat Burnsby: praying to be admitted to Chuse hir Guardian Did of her own: volluntary and free Consent make Choyce of Joseph Oliver w^{ch} is admitted of by the Court

Jn^o Newman Came into Court and proved an acco^t upon oath ag^t Jn^o Dunn fore the Sume of one pound Seventeen Shilling & a penny

Upon petition of John Newman praying to prove his acco^t ag^t Obadiah Rich Did prove the same upon oath: amounting to y^e Sume of Six pounds Two Shillings & Eight pence.

Sam^l Holland march^t of Boston by Tho^s Snoden his attorney Comes to prosecute his Suite ag^t Isaac Willson of a plea That he doe render unto him the said Sam^l y^e Sume of fforty four pounds fourteen Shillings & Six pence which to him he oweth & from him unjustly Detaineth &c. and Saith That he the Said Isaac Stands Justly Indebted unto him the s^d Sam^l in the full & Just Sume of fforty ffour pounds fortteen Shilling & Six pence payable in good marchantable wheat Porke or Pitch as in &

by an acco^t bareing Date att Divers times from the ninth day of ffeb^{ry} one Thousand Seven hundred & Seven untill the Twenty firs day of ffeb^{ry} one thousand Seven hundred & eight ready to be produced in Court relation being thereunto had Doth & may more fully appeare Nevertheless Isaac y^e afs^d Sume of fforty four pounds ffourteen shillings & Six pence to the s^d Sam^l hath not payd: but y^e same to pay hath hetherto refused and Doth as yett refuse &c. and the Def^t by Edw^d Bonwick his attorney: Comes and Defendes the force & Injury when &c: and Saith: That for the Insufficiencies and Imperfections in the p^{lts} Declara^on he this Def^t cannot neither by y^e Law of y^e land is he bound to make answer thereunto and this he is ready to averr wherefor want of a Sufficent Declara^on and Sufficent matter therein to be contained he the said Def^t prayed Judgm^t if y^e pl^t afs^d his ac^on afs^d by the law ought to have & mainetaine &c.

Et pro: Causis

ffor that the pl^t Does not Shew in his Declara^on w^t the Debt in the Doc: men^on was Contracted for and y^e pl^t by his Attorney: afs^d Saith that his Declara^on is good & valid in Law and prays as in & by the Declara^on &c.—Which being Considered by the Court the Said Demurrer is allowed good: Whereupon it is

Ordered that y^e Suite be Dismist & the p^lt pay Costs allas E^{xa}

Jn^o Jones assignee of dame Cath: Hyde Comes to pro^s his Suite ag^t ERasmus Harsleff in a plea: of: Debt and Saith That the Def^t Stands Justly Indebted to him y^e pl^t soe qualified in y^e full & Just Sume and quantity of Six Barrills of Pitch: as by a Certain Noat or Bill under his proper hand may appeare &c and the Def^t in person appeares & Confesses

Ordered that Erasmus Harseleff pay unto John Jones in y^e qualification afs^d the Sume or quantity of Six Barr^l of Pitch alias E^{xa} Lett Execution be Stayed till Chrismass next

Jn^o Jones assignee of dame: Cath Hyde: comes to pro^s his Suite ag^t Jn^o Relfe in a plea of Debt and Declares for the Sume of: Twelve pounds Curr^t money of this province w^{ch} to y^e p^lt in that qualifica^on he oweth; & from him unjustly Detaineth &c and the Def^t was Called in the useall form but Came not Whereupon the p^lt prayed attachm^t ag^t the Estate of the S^d Def^t w^{ch} is Granted

And then the Court adjourned till the Morrow morneing Eight a Clock

Thursday Morne Eight a Clock the Court Meett & Satt

A Convayance of a Tract of Land was acknowledged in open Court by Harris willoby & mary his wife according to y^e Custon of this prov-
ince unto ffra Laydaine

Ordered to be Registered

Edw^d Bonwicke Esq^r her Ma^{ty}s Attorney Gen^l comes to prôs his In-
dittm^t ag^t Christo Duddley: (a^{ls} —) Christo Duddy of y^e p^recinct of Cho-
wan planter and Saith that he the Said Christo: Duddley: the tenth day
of Jan^{ry} anno Dⁿⁱ 1712 att Chowan af^{sd}: with force & arms to witt) with
swords staves and knives on the body of one W^m Jones (by lawfull warr^t
being authorised and made arrest master in the Execution of his Said
office then and there being he the s^d Christo: Duddley not regarding the
authority to the said W^m Jones Granted) Did make an assault and him
the s^d W^m Jones then and there did beat wound and evill entreat Soe that
his life it was Despaired and other enormities to him did doe ag^t the peace
of our Sovereigne lady the Queen &c: and the Def^t by Edw^d Moseley
his attor Comes & Confesses and throwes himself upon the mercy of the
Court wth being Considered by the Court here

Ordered that y^e said Christo: Duddley be fined the Summe of Ten Shil-
lings and that he give sufficient Security for his good behaviour till the
next Gen^l Court & for his appearance thereatt

Henry Pendleton being bound over by recognizance to this Court made
his appearance & is Dismist without Day

A Deed of Sale from Tho^s Towers & Cath his wife of a Tract of land
lyeing on y^e sand banks was acknowledged in Court in y^e useall forme by
y^e s^d Tho^s Towers & Cath his wife unto Erasmus Harseleff

Ordered to be Registered

A power of attorney: from Cornelias Rattleff to M^r Ja: Tookes
March^t was proved by the oath of Henry Pirkinson and ordered to be
recorded

Maj^r James Coles Exhibitted an acco^t of his administra^{con} on the
Estate of David Harris Dec^d Wherein he appeares to be fifteen pound
ffour Shillings & Sevenpence Indebted to y^e said Estate

A power of attorney: from Micajah Perry & Comp^a March^{ts} of Lon-
don to M^r Lewis Conner March^t of Virginia proved and attested by the
Notary Publick was produced to this Court and ordered to be recorded

Edw^d Bonwick^e Esq^r her Matyes attorney Gen^l Comes to prosecute
the presentm^t of the grand Jury ag^t Mary Brothers otherwise called
Mary Brothers of y^e p^recinct of pascotank in y^e province af^s^d Spinster for
that She the Said Mary Brothers the last day of July Anno Dni 1712

att Pascotank afs^d was Delivered of a Bastard Child ag^t the peace of our said Lady the Queen and ag^t the forme of y^e Act of assembly in that Case made & provided &c and the Said Mary Brother Came and Confest to the Said Indittent^t and upon her Oath: Did Declare: Geo: Ellis to be the ffather of y^e said Child

Ordered that the s^d Mary Brothers be punished by receiving Twenty one Stripes on her back or pay fifty Shilling according to the forme of an act of assembly made & provided

Whereupon: Danⁱ Guthrie Came and assumed paym^t of the s^d fine of fifty Shillings

M^r Jn^o Lovicke being bound over to this Court by recognizance made his appearance and is dismist without day

Robison v Oliver Continued till next Court by Consent of Def^t and pl^{ts} attorney

Tho^s Peterson by Edw^d Moseley and Edw^d Bonwick his attorneys Comes to prosecute his Suite ag^t Geo Harris and Saith that the s^d Def^t stand Justly Indebted to the p^{lt} in the full Sume of nine pounds Thirteen Shillings & Eleven pence by his assumption for & on acco^t of David Prichard Deceased and the Said Def^t appears and Confesses wth halfe Costs

Ordered That Geo: Harris pay unto Tho^s Peterson Esq^r the Sume of nine pounds thirteen Shilling & Eleven pence wth halfe Costs of Suite alias Exa

Cap^t Jn^o Pettiver in open Court acknowledged y^e Convayance of a Tract of Land lyeing on the South Shore in the p^rinct of Chowan unto M^r Antho: Hatch and M^r Geo: Durant

Ordered to be Registered

Joseph Jordan: Comes by Edw^d Moseley his Attorney to pros his Suite ag^t W^m Willson of a plea of Tresspass upon the case and Saith That The Said W^m Willson Evilly Intending and Maliciously purposeing to Take away and destroy the good name fame Creditt Estamation & repute of him the s^d Jos: & also: to bring him the s^d Jos: Innocently into Danger of forfeiting all and Singular his Chattles Land & Tenements of Loseing of his life the ffifth day of Jan^y A^{no} Dⁿⁱ 17 $\frac{1}{2}$ at new: begun Creek: in the p^rinct pascotank: & wthin the Jurisdiction of this Court These false feigned Scanderlous malicious & abrobrious words following (then & there having Speech & Comunica^{on} wth Divers faithfull honest and worthy persons of this Govern^t and with the said W^m of & Concerning a report that Eliza: the wife of the said William had Spread Concerning the Said Jos: Jordan to wit That Jos: Jordan: (the p^{lt}

meaning) had broake open : a Chist : of a March^{ts} that lived at his the Said Josephs house: and Stole a knife & Sold it to Jane Man) In p^resence and hearing of divers of his neighbours and other faithful & Credible persons of this Govern^t then & there being p^resent and heareing openly & publickly & wth a loud voice did say affirme and Declare : and publish to the said Jos : I say : So : too : Tis : true and : the Said William afterwards, out of, for, and to the Same Malice Envy : and Evill Intention on the Same day & yeare att New-begun Creeke afs^d : in y^e p^recinct afs^d : there other false feigned Scandalous Malicious & abrobrious words following in p^resents & hearing of Divers of his Neighbors and other faithful and worthy persons of this Govern^t : then and there being p^resent and heareing, openly publickly & wth : a loud voice Did Speak Declare & publish to the Said Jos : Jordan (viz^l.) you (meaning the p^{lt} are : a Thief and : Ile prove you : so : (the Said P^{lt} meaning) whereas in Truth : the s^d Jos : Jordan no Robbery, Theft or ffelony ever Comitted or Perpetrated By reason of y^e Said Saying Speaking and affirmeing of w^{ch} false feigned & Scandalous words the s^d Jos : is not only Extreemly hurt & Damified in his good name fame Creditt & Estamacon afs^d : amongue his neighbours & other faithfull & honest persons of this Govern^t wth whome the Said Jos : used to keep Company & familorlily but also Innocently to be brought into Danger of of forfeiting all his Chattles Land & Tenem^{ts} and of looseing his life whereby the s^d Joseph Saith he is Damnified & hath damage to y^e vallue of ffive hundred pounds and thereupon &c and the s^d Def^t by Edw^d Bonwicke his attorney Comes & Defends the force and Injury when &c and Saith that for the manifold Insufficiencies Imperfections & uncertainties in the p^{lts} Decl : and the matter therein Contained he the Def^t Cannot neither by the law of the land is he bound to make answer thereunto and this he is ready to aver &c Et pro : Causis for that the p^{lt} in his Decl : afs^d : hath not alleged any words that are acc^{on}able the words (you are a Theife and Ile prove you so;) being all the words that is alleadged in the p^{lts} Decl : ag^t the Said Def^t they import Something in Generall but in particular nothing for one may be a Thiefe of Soc Smale a matter that the law takes no notice of w^{ch} : Demurrer being Joyned by the p^{lt} : and Duely Considered by the Court : here it is there oppinion that the s^d Demurrer be over Ruled and it is hereby over Ruled and because it Doth not appeare to y^e Court here w^t : Damage the p^{lt} : has Sustained by reason of the Trespass therefor it was Comanded the Marshall that he Cause to Come Twelve &c : whome &c : by whome &c : who neither &c : and there came to witt M^r Tho^s Swann M^r Augustin Scarbro M^r Tho^s Harvey M^r Griffin Jones M^r Tho^s Pas-

singham Mr Rob^t Temple M^r Jn^o fforree M^r Jn^o Man M^r James Ward M^r Alex Spence M^r ffra Beaseley & M^r Truman M^obride who being Sworne say we of y^e Jury find for the p^lt five pounds Damage

Ordered that W^m Willson pay unto Joseph Jordan y^e Sume of five pounds with Costs als Exa

Col^l William Reed Esq^r by Edw^d Moseley his attorney Comes to pros his Suite ag^t Henry Slade of a plea: of Trespass and Saith That whereas the said Henry Slade the last week in march A^{no} Dⁿⁱ 1710 by force & armes &c: the Inclosed plantation of him the s^d W^m in Coratuck p^recinct did break: and a Cow & Calfe there found by him the s^d Williams of the price of fifty Shillings did take & drive away and other Enormities to him he did &c: and the Def^t was called to answ^r thereunto but came not Whereupon the p^lt by his attor afs^d prayed an order ag^t the Marshall.

Ordered that the Marshall of Albemarle County have the body of the Said Henry Slade Sen^r att the next Gen^l Court als Judgm^t ag^t the Marshall fore the Debt and Damages afs^d

and the said Marshall prayd an attachm^t ag^t the Estate of the Said Henry Slade w^{ch} is Ordered accordingly

Jn^o Relfe was Called to pros his Suite ag^t Jn^o Treveaile but Came not whereupon the Def^t prayd an Non Suite w^{ch} was Granted

Ordered that the Suite be Dismist and the p^lt pay Costs alias Exa.

dame Cath: Hide adm^r of y^e goods & Chattles w^{ch} were the hono^{ble} Edw^d Hides Esq^r De^{cd} Comes by Edw^d Moseley her attorney to pros: her Suite ag^t Christo: Dudley and Saith the Def^{ts} stands Justly Indebted to y^e p^lts quallified as afs^d in y^e Sume of Eight pounds for & in Considera^{on} of a horse by: the Said Edw^d in his lifetime Sold & Delivered to the Def^{ts} and the said Def^{ts} in person appeares & Confesses

Ordered that Christo Duddy pay: unto: dame Cath Hide adm^r of y^e goods & Chattles of hono^{ble} Edw^d Hides Dec^d the Sume of Eight pounds with Costs alias Exa:

Up^{on} petition of Joseph peggs

Ordered that y^e s^d Jos: peggs be paid the Sume of five Shillings & Tenn pence for his travill and attendance being Sum^s: as an Evidence by Jos: Jordan ag^t W^m Willson

And now here att this Court Came Joseph: Glaister and for plea Saith non cull ^q pat: w^{ch} being Joyned by the p^lt it was Comanded the Marshall that he Cause to Come Twelve &c: by whome &c who neither &c and there Came to witt M^r Tho^s Swann M^r Augustine Scarborough M^r Tho^s Harvey M^r Griffen Jones M^r 'Tho^s passingham M^r Rob^t Temple M^r Jn^o fferree M^r Jn^o Man M^r James Ward M^r Alexander Spence M^r

ffra Beaseley M^r Truman M^obride who being Sworn Say we of y^e Jury find for the Def^t

Ordered that the Suite be Dismist & the p^l^t pay Costs alias E^{xa}

Henry Speller March^t by Tho^s Snoden his: attorney Comes to prōs his Suite ag^t Jn^o Relfe in a plea of Debt and Declares for the Sume of Twelve pounds w^{ch} to him he oweth &c and y^e Def^t being Called: Came not and the Marshall having returned a Capi Corpus on y^e writte the s^d p^l^t by his attor af^{sd} prayed an order ag^t the s^d Marshall

Ordered that y^e Marshall of Albemarle County have the body of y^e Said Jn^o Relfe att y^e next Gen^l Court alias Judgm^t ag^t the Marshall and the Said Marsh^l prayd an attachm^t ag^t the Def^ts Estate

Ordered that an attachm^t goe out ag^t the Estate of y^e Said Jn^o Relfe att y^e Suite of y^e Marshall of albermarle County for the Debt & Damages aforesaid.

Upon petition of Jacob Sherwood

Ordered That the Said Jacob Sherwood be allowed the Sume of five Shillings & Ten pence for his Traville and attendance being Sūms an Evidence by Jos: Jordan ag^t W^m Willson

M^r Jn^o Lovicke, attorney of dame Cath Hide adm^r &c; Came into Court and acknowledged the receipt of a Judgm^t Confest by Christo: Duddley att this present Court for y^e Sume of Eight pounds with Costs

Tho^s Swann of y^e p^{re}inct of pascotank: March^t: Comes to prōs his Suite ag^t Obadiah Rich: of y^e p^{re}inct afs^d and declares fore y^e Sume of Three pounds Ten Shilling & Six pence w^{ch} to him he oweth: &c: and the Def^t being Called Came not whereupon the s^d p^l^t prayd an attachm^t ag^t the Estate of y^e Def^t which was Granted

Ordered y^t an attachm^t Issue out ag^t the Estate of Obadiah Rich att y^e Suite of M^r Tho^s Swann for y^e Debt afs^d with Costs of Suite.

Tho^s Swann of pasquotank: p^{re}inct Comes to prōs: his Suite ag^t James McDaniel of y^e s^d p^{re}inct in a plea of Debt and Saith That the Def^t by one Certaine Instrum^t of writting obligatory under his proper hand became Indebted to him y^e s^d p^l^t in y^e Sume of flour pound Six Shillings & five pence and y^e Same to render Doth refuse &c: and the Def^t being Called to answer thereunto Came not and y^e Marsh^l having returned a Capi Corpus on y^e writte y^e p^l^t prayed an order ag^t y^e Marsh^l

Ordered y^t y^e Marshall of Albemarle County have y^e body of y^e said James McDaniel at y^e next Gen^l Court alias Judgm^t ag^t y^e Marshall

and the Said Marshall prayed an attachm^t ag^t y^e Estate of y^e Def^t which is Granted and ordered accordingly

Tho^s Swann of Pasquotanke Comes to pros: his Suite ag^t Jn^o McDaniell of y^e same place in a plea of Debt and Declares for y^e sume of Two pounds Two Shillings & nine pence w^{ch} to him he oweth & from him unjustly Detaineth &c: as by his Certaine writteing under y^e proper hand of y^e Def^t may appeare and the Def^t being Called to answer thereunto Came not and a Cepi Corpus being returned on the writte y^e pl^t prayed an order ag^t y^e Marshall.

Ordered that y^e Marshall of Albermarle County have the body of y^e Said Jn^o McDaniell att the next Gen^l Court alias Judgm^t ag^t the Marshall

And y^e Said Marshall prayed an attachm^t ag^t y^e Goods & Chattells of y^e Def^t which is Granted and ordered accordingly

and then the Court adjourned till the Morrow morning Eight of y^e Clocke

ffryday Morne the Court meet againe according to adjournm^t & Satt

Martin ffranck by Tho^s Snoden his attor Comes to pros his Suite ag^t Jn^o Smith march^t and Declares for 4£ as p^{p} warr: and y^e Marshall haveing returned an non est Inventus on the writte y^e p^{lt} by his attor afs^d prayd an attachm^t ag^t y^e Estate of y^e Def^t which was Granted.

Tho^s Peterson: Esq^r factor to Tho^s Bayfield and new Pisilvania Comp^a by Edw^d Bonwicke and Edw^d Moseley: his attorneys Comes to pro^s his Suite ag^t Eman^l Lowe: and W^m Vaughan in Comp^a in plea of y^e Case: and Declares for y^e Sume of ninety pounds for & in Consideration of y^e Hull: of y^e Sloop: Ronoak: March^t by the pl^t Sold & Delivered to y^e Def^{ts} in Compa and also y^e Sume of Ninety four pounds in Consideration of anchors Cables Sailes rigging &c: by y^e Said p^{ts} Sold & Delivered to the Def^{ts} in Company as p^{p} agreem^t the 22^d of aug^t 1709: all of w^{ch} amounting to y^e Sume of one hundred Eighty four pounds: &c: and the s^d Def^{ts} appeares & Confesses

Ordered that Eman^l Lowe & W^m Vaughan in Comp^a pay unto Tho^s Peterson Esq^r in his afs^d Capacity the Sume of one hundred Eighty four pounds with Costs alias Exa

W^m Vaughan & Company by Tho^s Snoden their attor: Comes to pros his Suite ag^t Roland Buckley: and Declar for the Sume of Two pounds Two Shillings and Seven pence by acco^t as in and by the S^d acco^t Doth & may appeare &c: and the Def^t being Called Came not whereupon y^e pl^{ts} by their attor afs^d prayd an an attachm^t ag^t ye Good & Chattles of y^e Def^{ts} w^{ch} is Granted and ordered accordingly.

Nath: Pirkins March^t of Boston by Tho^s Snoden his attorney comes to pro^s his Suite ag^t Richard Burtenshell in a plea of Debt and Saith that

ye Def^t by one Instrum^t of writteing obligatory under his hand Doth owe and Stand Justly Indebted unto y^e p^{lts} the Sume of Eleven pounds five Shillings and the same from him unjustly Detaineth &c: and the Def^t by Edw^d Bonwicke his attorney Comes & Confesses for y^e Sume of Two: pounds & Six pence.

Ordered: That Rich^d Burtenshell pay unto Nath: Pirkins y^e Sume of Two pounds & Six pence with Costs als Exa

Peter Marshe: was Called to pros his Suite ag^t Geo: Cooper but Came not whereupon the Def^t by Tho^s Snoden his attor: prayd an non Suite ag^t y^e p^{lt}

Ordered that y^e Suite be Dismist & y^e p^{lt} pay Costs als Exa

Sam^l Holland march^t of Boston by Tho. Snoden his attorney Came to pros his Suite ag^t W^m Luffman in a plea of Debt and Declares fore the sume of five pounds Eighteen Shillings w^{ch} to him he oweth and from him unjustly Detaineth &c: and the Def^t was Called but Came not and y^e p^{lt} by his attor afs^d prayed an order ag^t y^e Marsh^l

Ordered that y^e Marshall of Albermarle County have y^e body of y^e s^d W^m Luffman att y^e next Gen^l Court als Judgm^t ag^t y^e Marshall.

and y^e Marsh^l prayed an attachm^t ag^t y^e Estate of y^e Def^t w^{ch} was granted and Ordered to Issue

Tho^s Spencer being bound over to this Court by recognizance made his appearance and is Dismist without day

Tobias Knight Esq^r by Edw^d Moseley his attor Comes to pros his Suite ag^t W^m Houghton in a plea of y^e Case: and Saith that y^e Def^t Stands Justly in Debted to y^e p^{lt} in y^e Sume of one pound Ten Shillings and Six pence and y^e Same Doth refuse to render &c: And y^e Def^t was Called but came not, Wherefore y^e p^{lt} by his Said attorn prayed an ord^r ag^t y^e Marshall

Ordered that y^e Marshall: of y^e County of Albermarle have y^e body of y^e said W^m Houghton att y^e next Gen^l Court als Judgm^t ag^t y^e Marshall

and the said Marshall prayed an attachm^t ag^t y^e Estate of y^e Def^t w^{ch} is Granted and ordered accordingly

Blish v Sparrow attachm^t Continued

Jacob: Overman of y^e p^{re}inct of Pasquotank: Comes to pros his Suite ag^t George Scarbrough in a plea of Deb^t and Saith that y^e Def^t by his writteing obligatory under his hand &c Did acknowledge to one & Stand Justly Indebted to y^e p^{lt} in y^e Sume of one pound Seventeen Shillings & Six pence in fresh porke and y^e same Doth Deny & refuse to render

&c: and the Def^t was Called but Came not and a Cepi Corpus being returned on y^e writte y^e pl^t prayed an order ag^t y^e Marshall

Ordered that y^e Marsh^l of albermarle County have y^e body of y^e said George Scarbrough att y^e next Generall Court als Judgm^t ag^t ye Marsh^l

and y^e Marsh^l prayed an attachm^t ag^t the Estate of y^e Said Georg Scarbrough w^{ch} is Ordered to issue accordingly.

Jacob Overman of pasquotank: Comes to pros: his Suite ag^t W^m Scarbrough in a plea of Debt: and Declares: for y^e Sume of: one pounds Two: Shillings & Eight pence in fresh pork: w^{ch} to y^e Pl^t y^e Said Def^t Doth owe & from him unjustly Detaine &c and the Def^t was Called but Came not according to returne of y^e writte wherefor y^e pl^t prayed an order ag^t y^e Marshall

Ordered y^t y^e Marshall of y^e County of Albermarle have y^e body of y^e Said W^m Scarbrough: att y^e next Generall Court als Judgm^t ag^t y^e Marshall

and y^e Marshall prayed: an attachm^t ag^t y^e Estate of y^e Said William Scarbrough w^{ch} is ordered to Issue accordingly

Mr Henry Swann Comes to pro^s his Suite ag^t Cap^t Tho^s Collins of y^e p^recinct of pequimans of a plea of Debt and Declares fore y^e Sume of one pound Eighteen Shillings & four pence w^{ch} to him he oweth &c: and y^e Def^{ts} was Called and Came not according to returne of y^e writte whereupon y^e pl^t prayed an order ag^t y^e Marshall

Ordered that y^e Marshall of y^e County of albermarle have y^e body of y^e Said Def^{ts} att y^e Next Gen^l Court als Judgm^t ag^t y^e Marsh^l

and y^e same Marshall prayed an attachm^t ag^t y^e Estate of y^e afs^d Def^t w^{ch} is Granted and ordered accordingly

Mayo v Musheo in Debt Dismist:

Stamp: assignee v. Hartley in Debt Cont:

and then y^e Court adjourned for an hower

att an hower y^e Court Satt againe

an now here at this Court appeared Jos: Glaister to y^e Declara^on in Ejectione firme for Seventy five: acres of land with the appurtenances &c: Lyeing on Nobbs Crook Creek: according y^e order of y^e Last Court and for plea Saith Non Cull ꝑ: pat: whereupon it was Comanded y^e Marshall y^t he cause to Come Twelve &c whome &c by whome &c: who: neither &c and there Came to witt: M^r Tho^s Swann: M^r Augustine Scarbrough M^r Griffith Jones M^r Tho^s Harvey M^r Tho^s passingham M^r Rob^t Temple M^r Jn^o fferree M^r Jn^o Man M^r James Ward M^r Henry Speller M^r ffra Beasely and M^r Truman M^o Bride who being Sworne Say we of y^e Jury find for the Def^t

Ordered that y^e Suite be Dismist & y^e p^l^e pay Costs a^{ls} E^x^a

Peterson v Lakar: Case: Continued by Consent

Glover v Cheaves: Trespass: Continued by Consent

Cap^t ffra^d: Jones. of y^e Collony of virg^a by Edw^d Moseley his attorney comes to pro^s his Suite ag^t Eman^l Cleave: Latte provost Marshall of y^e County of Bath in an a^c^on of Detinue and Saith: That whereas: y^e Said ffrad formerly: to witt, y^e ninth day of: July in y^e Court of o^r Sovereigne Lady y^e Queen, before William Gray Esq^r and his associates the Justices of he^r y^e said Lady y^e Queen: of y^e County Court of Bath: at Bath Town: by y^e Considera^c^on of y^e Same Court had recovered ag^t one Co^{ll} Tho^s Cary: by y^e name of Co^{ll} Tho^s Cary: as well a certaine Debt of 49:19:11 as of 6-12-6- Costs: whereof he was Convicted as by record and process thereof: in y^e Said Court afs^d manifestly appeareth: upon w^{ch} Same Judgm^t the S^d ffra^d for y^e more Speady: recovery of his Deb^t & Costs afs^d afterwards viz^t the ninth Day of July Anno: Dⁿⁱ 1712 had pro^s out of y^e afs^d Court of y^e Said Lady y^e Queen afs^d a certaine writte of y^e Said Lady y^e Queen of: causing to be made agst the Said Co^{ll} Tho^s Cary to the then provost Marshall of Bath County Derected, by w^{ch} Said writt the Same now: Lady y^e Queen to y^e S^d Then provost Marshall of Bath County Comanded, y^t of y^e good & Chattles of y^e afores^d Co^{ll} Tho^s Cary: in y^e County afs^d he should Cause to be Levyed—as well a Certaine Debt of 49:19:11: w^{ch} y^e Said ffra^d had recovered in y^e County Court of Bath: ag^t him as y^e afs^d 6-12-6: Costs: and that he Should have that money to render to y^e Said ffrad Jones for his Debt & Costs afs^d and that at y^e returne of y^e Same writte before y^e afs^d Justices of y^e Said County Court of Bath the afs^d Eman^l Cleaves then provost Marsh^{ll} of y^e afs^d County of Bath returned y^e writte afores^d) to him in forme afs^d Derected (That is to say) That he y^e Same then Provost Marsh^{ll} of Bath County by vertue of y^e Same writte had Taken Divers goods & Chattles w^{ch} were of y^e afs^d Co^{ll} Tho^s Caryes to y^e Value of y^e Debt & Costs afs^d, That is to say one negro man one old maine Saile one old fore Saile one old Jebb: by w^{ch} a^c^on Did grow: to y^e Said ffra^d Jones to Exact and have of y^e Said Eman^l Cleaves the goods & Chattles afs^d to y^e value afs^d Notwithstanding ye Said Eman^l Cleaves altho. often requested the goods & Chattles afs^d to y^e value afs^d to y^e Said ffra^d Jones hath not Delivered, &c: and y^e Deft was Called to make answer thereunto but Came not according to returne of y^e writte: whereupon y^e p^l^e by his attorney afs^d prayed an order ag^t y^e Marshall

Ordered y^t y^e Marshall of y^e County of Bath have y^e body of y^e said Eman^l Cleaves att y^e next Gen^{ll} Court a^{ls} Judgm^t ag^t y^e Marshall

and the Marshall prayed an attachm^t ag^t y^e Estate of the Said Def^t w^{ch} is Granted and ordered accordingly

Goodlatt Ex^{rx} v Nickollson Ejectm^t Continued

Chevin v Earley adm^r case Continued

Jonathan Standley & Elizabeth his wife personally Came into Court and ack^{no} a Conveyance of a plantation & tract of land lyeing on y^e s^e w^t side of little river in y^e precinct of pequimans unto Cornelias Rattleff Ordered to be registered

M^r Tho^s Parris of y^e precinct of pequimans by Tho^s Snoden his attorney: Comes to pro^s his suite ag^t Soll^o Jordine in an ac^{con} of Trover & Conversion and Declares of a boat of y^e value of Ten: pounds w^{ch} by finding Came to y^e possession of y^e Def^t and y^e said Def^t by Edw^d Moseley his attorney: Comes and Confesses for Nine pounds

Ordered that Soll^o Jordine pay unto Tho^s Parris the Sume of nine pounds with Costs a^{ls} E^{xs}

Lett Execution be Stayed till y^e tenth day of December next.

Nath: Chevin Esq^r Comes to pro^s his suite ag^t Co^{ll} W^m Reed Esq^r in a plea of y^e Case and Declares for y^e Sume of Twenty nine pounds five Shillings for Certain Indian Slaves by y^e publick: Sold & Delivered to y^e Def^{ts} and in Consideration thereof the said Def^t Did assume well & Truly to pay y^e af^{sd} Sume of Twenty nine pounds five Shillings into y^e hands of y^e Said Nath: Chevin: for y^e use of the publicke who was fully authorized and Impowered to require and receive the same nevertheless &c: and the Def^t by Edw^d Moseley his attorney Comes and for plea Saith, that he did not assume in manner & forme &c: whereupon it was Comanded the Marshall that he cause to Come Twelve &c: whome &c: by whome &c: who neither &c: and there came to witt, M^r Tho^s Swann M^r Augustine Scarbrough M^r Griffith Jones M^r Tho^s Harvey M^r Tho^s passingham M^r Rob^t Temple: M^r Jn^o fforree: M^r Jn^o Man M^r J^a ward M^r Henry Speller M^r ffra Beasely & M^r Truman McBride who being Sworne Say we of y^e Jury find for ye pl^t

Ordered that Co^{ll} W^m Reed Esq^r pay unto Nath Chevin Esq^r for y^e use of y^e publicke y^e Sume of Twenty nine pounds five Shilling w^{ch} costs als Exa

Tobias Knight Esq^r & Cath his wife adm^r of y^e goods & Chattles of y^e hono^{ble} W^m Glover Esq^r Dec^d by Edw^d Bonwicke their attorney Come to prosecute their writte of Scire fa: ag^t Jn^o porter Esq^r and Declares for a Judgm^t obtained by y^e af^{sd} W^m Glover ag^t the s^d Jn^o porter for ye Sume of one Thousand pounds Sterl &c and the Def^t by Edward Moseley his attorney: Comes and Defends y^e fore and Injury when &c: and prayes

Judgment of y^e writte afs^d &c because he Saith that y^e same is imperfect and Insufficient and Containes manifest variance in it Selfe and this he is ready to averr Whereby he prayed Judgm^t of y^e writte afores^d &c: and y^e Same being Considered by y^e Court it is there oppinion that y^e same plea is good to abate y^e Said writte and it Doth hereby abate.

Jacob: Overman: of y^e precinct of pasquotank: by Edward Moseley his attorney comes to pros his Information ag^t William Willson Lawyer of y^e p^recinct afs^d and Saith: That whereas in & by an act made for y^e Good Governm^t of this province Intitled (an act Consearning Servants & Slaves amongue other things it is Enacted That whosoever Shall buy Sell Truck or Trade borrow: or lend to or with any Servant or Servants Slave or Slaves wthout y^e Lycence or Consant of his or their master or owner: Shall forfeite and pay Tenn pounds to y^e Master of y^e Said Servant or Slave to be recovered by Informa^con in any Court of record in this Governm^t &c nevertheless the Said William Willson y^e S^d act nothing minding or regarding but the Same and the authority thereof altogether Contemning & Dispiseing Did on or aboute y^e 20th day of December ano: 17 $\frac{1}{4}$ $\frac{2}{3}$ without y^e leave or knowledge of him y^e Said Jacob Sell & Deliver unto a Man Slave to him belongen named petter a Turkey Cock to y^e value of five Shillings to y^e Grate Damage of him y^e Said Jacob & Contrary to y^e afs^d act and y^e Def^t appeares & for plea Saith non Cull: per: partrium wherefor it was Comanded the Marshall that he Cause to Come Twelve &c; whome &c: by whome &c: who neither &c: and there Came (viz^l) M^r Tho^s Swann M^r Augustine Scarbro: M^r Griffith Jones M^r Tho^s Harvey M^r Tho^s passingham M^r Rob^t Temple M^r Jn^o fforree M^r Jn^o Man: Ja: Ward: M^r Henry Speller M^r ffra Beaseley and M^r Truman McBride who being Sworne say we of y^e Jury find him Guilty whereupon y^e p^lt prayed Judgm^t on y^e afs^d act:

Ordered that W^m Willson be fined y^e Sume of Tenn pounds according to the Tenor: of y^e afs^d act to be payd to y^e Said Jacob Overman with costs:

and the said Jacob Overman comes and remitts the fine afs^d Except fforty Shillings on Condition that y^e Said William Willson pay the accruing costs which being Submitted to by the Def^t

Ordered that y^e Sume of Eight pounds part of y^e afs^d fine be remitted on y^e afs^d Condition and it is hereby remitted, and it also ordered that the Said William Willson doe pay unto Joseph Jordan: five Shillings to Rob^t Cartwritte Ten Shill & Ten pence.

to Joseph peggs and his wife one pound one Shilling & Eight pence

to W^m Cartwright y^e Sume of Eight Shilling & four pence for their Travill and attendance being Sumons as Evidence by Jacob overman ag^t y^e Said Will^m Willson als Executions Nath Chevin Esq^r Comes to pros his suite ag^t Jn^o Blish march^t in a plea of Debt and Saith: That y^e Def^t by his Certaine writing obligatory under his hand Dated the 26th day of March Ano Dni 1712 Did oblige himselfe well & Truly to pay unto the pth y^e Sume of Eleven pounds on or before y^e tenth day of march then next Ensuing nevertheless: &c: and the Def^t by Tho^s Snoden his attorney Comes & Confesses

Ordered that M^r Jn^o Plish march^t: pay unto Nath: Chevin Esq^r y^e Sume of Eleven pounds with Costs als Exa

Lett Execution be stayed till y^e first day of August next

a will: of Stephen Swaine dec^d was proved in Court by the deposition of M^r Tho^s Snoden attorney: of y^e Dec^d annexed to ye Said will to w^{ch} he gave his oath in Court: and thereupon Edw^d Moseley attorney: of Sam^l Sprewell Came into Court and in behalfe of y^e Said Sam^l Entered a Caveatt ag^t the: propotte of y^e Said will w^{ch} was admitted of: and referd to y^e Court of Chancery.

Griffith Jones: of pasquotankes Comes to prös his Suite ag^t Jn^o Creach: in a plea of: Case: and Saith the y^e Def^t Stands Justly Indebted to y^e pth in y^e full Sume of: Two: pounds Sixteen: Shillings & Tenpence fore Divers goods wares and marchandizes: by y^e pth Sold & Delivered to y^e Def^t &c: and an non est Inventus being returned on y^e writte y^e pth prayed an attachm^t ag^t y^e Estate of ye Def^t w^{ch} is Granted & Ordered to Issue accordingly

Jn^o Blish: march^t Comes by Tho^s Snoden his attorney to prös his Suite ag^t Cap^t Rich^d Sanderson: of y^e precinct of Coratuck in an accon of Trover and Conversion and Declares for Certaine Indian Slaves w^{ch} by finding Came to y^e possession of y^e Def^{ts} and the Said Def^t by Edw^d Moseley his attorney: Comes & prayes an Importance: to y^e next Gen^l Court and he hath it and thereupon it is ordered that it be a Rule of this Court That y^e Def^t plea to Issue in fact y^e next Gen^l Court

Jn^o Blish & Comp^y by Tho^s Snoden their attorney: Comes to pros: their Suite ag^t Cap^t Rich^d Sanderson in an accon of Trover & Conversion and Declares for a Certaine Indian man: Slave called John Cone-way w^{ch} in y^e first day of apprill: they the Said p^{ths} were possessed of as their own proper Goods & Chattles and y^t afterward: (viz^t) in y^e month of June last past by finding came to y^e possession of y^e Said Def^t and the Said Def^t by Edw^d Moseley his attorney Came and prayed liberty thereof to Importe to y^e next Gen^l Court and he hath it

and thereupon it is ordered that it be a Rule of this Court That y^e Def^t plead to Issue in fact: y^e next Gen^l Court

M^r William Swann came into Court and made Tender of a Judgm^t obtained ag^t him at y^e Suite of our Sovereign Lady the Queen in July Court last for y^e Sume of nine Shillings & one peny and allsoc one other Judgm^t obtained ag^t him at y^e Suite of our Said Lady y^e Queen in October Court last past: for y^e Sume of one Shi^l and Six pence

A will of M^r Alexander Goodlatts Decd was proved in Court by the oathes of M^r Edward Moseley: and M^{rs} Elizabeth Hecklefield

Edw^d Moseley: Esq^r Comes to pros: his Suite ag^t Tho^s Sparrow: Gent: in a plea of y^e Case and Saith That y^e Def^t Stands Justly Indebted to y^e pl^t in y^e full Sume of forty one pounds Eighteen Shillings & Eight pence current money of No. Carolina as by acco^t thereof here in Court brought Doth & may appeare &c: and y^e Marshall having returned an non est Inventus on y^e writte y^e pl^t prayed an attachm^t ag^t y^e Estate of y^e Def^t wth was Granted

And then the Court adjourned to the Court in Course

THOMAS MILLER JOHN PETTIVER C. GALE
ANTHO: HATCH

[RECORDS OF GENERAL COURT.]

NO: CAROLINA—SS

Att a Gen^l Court holden for the province afs^d att the house of Cap^t Jn^o Hecklefields in little river on Tuseday the 28th Day of July Anno Dni 1713.

p ^r sent	<table border="0"> <tr> <td>{</td> <td>The Honno^{ble} Maj^r Christo: Gale</td> <td rowspan="5">}</td> <td rowspan="5">Esq^{rs} Justices</td> </tr> <tr> <td></td> <td>Cap^t Tho^s Relfe</td> </tr> <tr> <td></td> <td>Tho^s Miller</td> </tr> <tr> <td></td> <td>Cap^t Jn^o Pettiver</td> </tr> <tr> <td></td> <td>Antho Hatch</td> </tr> </table>	{	The Honno ^{ble} Maj ^r Christo: Gale	}	Esq ^{rs} Justices		Cap ^t Tho ^s Relfe		Tho ^s Miller		Cap ^t Jn ^o Pettiver		Antho Hatch
{	The Honno ^{ble} Maj ^r Christo: Gale	}	Esq ^{rs} Justices										
	Cap ^t Tho ^s Relfe												
	Tho ^s Miller												
	Cap ^t Jn ^o Pettiver												
	Antho Hatch												

And then adjourned till y^e morrow morning Eight of y^e Clock:

Wednesday y^e Court meett according to adjournm^t

p^rsent utt Supra

The Gentmen: of the Grand Jury were Sworne & are as followeth (viz^t) M^r Jn^o Relfe M^r Jn^o flalinor M^r Rich^d Devenport M^r Tho^s Long M^r James fleming M^r W^m Jones M^r Dan^l Smith M^r Pat Quidley M^r W^m Scarbrough M^r Sam^l Paine M^r Pat Callihorne M^r Jn^o Whitte M^r Tho^s Harding M^r W^m Right M^r Humphry Vince & M^r W^m Wallston.

Nath: Chevin Esq^r Comes to prōs his Suite ag^t James fleming in a plea of Debt and Saith y^e Def^t Stands Justly Indebted to him y^e p^{lt} in y^e full Sume of Three pounds five Shill & four pence and the Def^t in person appears & Confesses

Ordered that James fleming pay unto Nath: Chevin Esq^r the Sume of Three pounds five Shillings & four pence with Cost als Ex^{con}

Nath: Pirkins march^t of Boston by Tho^s Snoden his attor Comes to prōs his Suite ag^t Jn^o Mixon in a plea of Debt & Declares That y^e Def^t Stands Justly Indebted to y^e p^{lt} in y^e full Sume of Seven pounds Three Shill & Six pence ꝑ bill in fresh porke &c: and the Def^t by Edw^d Moseley his attorney Comes & Defends the force & Injury when &c. and praves oyer of y^e writteing obligatory mentioned in y^e plt Declara^{con} & it was read unto him in haec Verba No: Carolina: ss: &c^d Whereupon the Def^t praves Judgmt of y^e writte & Declara^{con} afs^d &c^a Because That there is a variance between the plt^s Declara^{con} and y^e Specialty mentioned therein the Declartion not Mentioning that the Said 7-3-6 Should be paid in porke but in Pitch & this he is ready to aver Whereby he praves Judgmt of y^e Writte & Declartion as afs^d &c: w^{ch} being Considered by the Court here the s^d plea: is allowed Good & Suffeicient to abate y^e writte & Declara^{con} &c:

Ordered that the Suite be Dismist & y^e plt pay Costs als Ex^{con}

Upon petition of M^{rs} Ann De La More widdo & relict of ffra: De La More Esq^r De^{cd}: Shewing that the Right of administra^{con} of the Goods & Chattles of the s^d ffrancis Doth to her belong

Ordered: That She have administra^{con} as prayed and that Capt: Jno Robison Jno Palin M^r Jno Man: & M^r Dan^l Guthrie or any three of them Doe apprise the Estate of the s^d ffrancis De La More Esq^r being first Sworne thereunto befor a Magistrate

Capt: Jno Pettiver Esq^r Comes to prōs his Suite ag^t Cary Godbey in a plea of Debt & Saith the Def^t Stands Justly: Indebted to him by his bill or writteing obligatory und^r his hand &c: in the full Sume of five pounds &c & the Def^t: appears & Confesses according to Specially

Ordered: That Cary Godbey: pay: unto Capt Jno Pettiver the Sume of five: pounds with Costs als Ex^{con}

Isaac: Willson by Tho^s Snoden his attorney Comes to prōs his Suite ag^t: W^m Johnson in a plea of Debt & Saith the Def^t Stands Justly Indebted to him y^e Said Isaac in the Sume of Three pounds Six Shillings as ꝑ Warr and the Def^t: was Called & Came not and a Cepi Corpus being returned on the writte the plt: prayed an ord^r ag^t the Marshall

Ordered: y^t the Marsh^l of Albemarle County have the body of the s^d W^m Johnson at the next Generall Court als Judgm^t ag^t the Marsh^l

Robison ag^t Oliver Edw^d Moseley attorney of the Def^t Saith he is not Informed of any answ^r to make for the Said Oliver whereby: the s^d Jn^o Robison remains ag^t the s^d Oliver thereof undefended

Ordered That the s^d Jn^o Robison recover ag^t the Said Oliver the Sume of Six pounds Eight Shillings & a peny halfepeny with Costs als Ex^{co}n

Edw^d Moseley Esq^r by Tho^s Snoden his attor Comes to pr^{os} his Suite ag^t W^m Redditt in a plea of Debt and Declares that the Def^t Stands Justly Indebted to him the s^d p^{lt} in the full Sume of: one pound Thirteen Shillings & Six pence in fresh Porke as p Warr: and the Def^t was Called & Came not whereupon the p^{lt} prayed an attachm^t ag^t the Estate of: the Def^t w^{ch} is Granted

Edw^d Moseley Esq^r by Tho^s Snoden comes to pr^{os}: his Suite ag^t Phillipp Wallston in a plea of Debt and Saith That the Def^t Stands Justly Indebted to him the p^{lt} in the Sume of one Barrill of Pork as p Warr and the Def^t was Called & Came not Whereupon: the: p^{lt} prayed an attachm^t ag^t the Estate of the: Def^t w^{ch} is Granted

Edw^d Moseley Esq^r by Tho^s Snoden his attorney comes to pr^{os} his Suite ag^t Edw^d Bryan & declares that the s^d Bryan stands justly indebted to him the s^d Edward Moseley in the full Sume of one pounds Eighteen Shillings & four pence by his Note or writteing obligatory: and the: Def^t being Called: to answ^r thereunto & Came Not whereupon the p^{lt} prayed an attachm^t ag^t the Estate of the Def^t w^{ch} was Granted

Edw^d Moseley Esq^r by Tho^s Snoden his attorney Comes to pr^{os} his Suite ag^t Tho^s Man: in a plea of Debt & Saith: the Def^t Stands Justly Indebted to the p^{lt} in the Sume of: Two pounds Eighteen Shillings & four pence by his noate under his proper hand &c: and the Def^t was Called but Came not and thereupon the p^{lt} prayed an attachm^t ag^t the Estate of the Def^t w^{ch} is Granted

Whitte ag^t Alexand^r and the Def^t by Edw^d Moseley his attor appears and prays Liberty thereof to Importe unto the Day of the next Gen^l Court and he hath it the Same Day is Given to the p^{lt} likewise

Capt Jno Byrd by Tho^s Snoden his attorney: Comes to pr^{os} his Suite ag^t James Curlee in a plea of Debt & Saith the Def^t by his Noate und^r his hand Stands Justly Indebted to the p^{lt} in the Sume of one pound Seven Shill & nine pence and the Def^t was Called to answ^r thereunto: but Came not and the p^{lt} thereupon prayed an attachm^t ag^t the Estate of the Def^t w^{ch} was ordered accordingly

Jno Blish : marcht Comes to prös his Suite agt Geo : Cooper Deft in a plea of Debt and Declares that y^e Deft Stands Justly Indebted unto him the s^d Jno in the full Sume of Three pounds one shilling and Three pence: and the Deft was Called but Came not and thereupon the plt prayed an order agt the Marshall.

Ordered that the Marshall: of Albemarle County have the body of y^e s^d George Cooper att the next Gen^l Court als Judgmt agt the Marshall and y^e marsh^l prayed an attachmt agt the Estate of y^e Deft w^{ch} is Granted

Jn^o Blish : march^t Comes to prös his Suite ag^t Jn^o Powell in a plea of Debt and Declares for y^e Sume of fforty Shillings w^{ch} the Def^t to him Doth: owe &c^a: and the Deft was called: & Came not: and thereupon the p^lt prayed an ord^r ag^t the Marshall:

Ordered that the Marshall of y^e County of Albemarle have the body of the s^d Jn^o Powell at the next Gen^l Court als Judgmt ag^t y^e Marshall

And the Said Marsh^l prayed an attachment ag^t the Def^{ts} Estate w^{ch} is Granted

A Will of M^{rs} Easter Pollocke Dec^d was proved in Court by the oath of M^r Rob^t Hicks att the Instance of Maj^r Tho^s Luten Exccutor thereunto.

Isaac Willson by Tho^s Snoden his attorney Comes to prös his Suite ag^t Jn^o Whittbey Def^t and Saith: that the s^d Def^t Stands Indebted to him the p^lt in the Sume of five pounds Eighteen Shillings & a peny halfe peny: and the Def^t in person appeares and Confesses

Ordered that Jn^o Whittby pay unto Isaac: Willson the Sume of five pounds Eighteen: Shilling & a peny halfe peny wth Costs als Ex^{cō}n

Edw^d Moseley Esq^r Comes to prosecute his Suite ag^t Jn^o Davis in a plea of the Case from a Continuance and Saith that the s^d Jn^o Stands Indebted to him the s^d Edw^d in y^e full Sume of Three pounds & Seventeen Shillings & eight pence and the Def^t was Called but: appeared not nor any one for him to say: anything in barr: or reterda^{cō}n of y^e said ac^{cō}n whereby the s^d Edw^d remains ag^t the s^d Jn^o thereof undefended, it is therefor Considered & ordered by the Court here that the said Edw^d Recover ag^t the said Jn^o y^e said Sume of Three pounds Seventeen Shill & Eight pence: with Costs of Suite & the Def^t in Mercy, &c

Godffrey Sprewell: personall Came into Court and acknowledged a Conveyance Containeing one hundred acres of land to Jn^o Devenport

Ordered to be Registered.

Will^m Wilkerson personally came in Court & acknowledged a Conveyance of fifty Two acres of land to Jn^o Devenport

Ordered to be Registered

Ebenezer Whitte Comes to pr^{os} his Suite ag^t Jn^o Whittbey in a plea of Debt and Saith y^e Def^t Stands Justly Indebted to him y^e p^{lt} in y^e Sum of Tenn pounds Tenn Shillings in good Pitch or Tarr and the Def^t in person appeares and Confesses:

Ordered that Jn^o Whittbey pay unto Ebezer Whitte y^e Sume of Tenn pounds Tenn Shillings wth costs als Ex^{con}

upon petition of W^m Booth as marrieing Hester the widdow: & relict of Adam Lewis Deed praying Administra^{on} of the Goods & Chattles of the s^d Adam Lewis

Ordered that the Said W^m & Hester have administra^{on} of y^e goods & Chattles: of y^e s^d Adam Lewis: Equally Granted to them both:

Cap^t W^m Maule: being lawfull: Sums: as a petty: Jury: man & Called Came not: wherefore: it is ordered: by the Court here that the s^d W^m Maule be fined the Sume of Twenty Shillings according to Rule of this Court

Jn^o Jones Carpenter: being lawfully Sumons as a petty Juryman & Called Came not wherefore it is ordered by the Court that the s^d Jn^o Jones be fined the Sume of Twenty Shillings according to Rule of this Court:

The paniell of Jurors: Sworne to try the Issues between Jn^o Newman p^{lt} and obadiah Rich: Def^t being Eroniously Impanielled is Discharged from their verditte and they are hereby Discharged

Jn^o Newman: March^t by Edw^d Moseley his attor: Comes to pros his Suite ag^t obadiah Rich: Def^t in a plea of the Case and Declares that the s^d Obadiah Stand Justly Indebted him ye Said Jn^o in the full Sume of Six pounds Two: Shillings & Eight pence: for & in Consideration of Sundry wares: Goods & marchantizes: Sold & Delivered to him the said obadiah and the Said Def^t by Tho^s Snoden his attorney Comes & Defends & force & Injury when &c: and for plea Saith Nill Debitt perpatrum and for Tryall puts himselfe upon the Country & y^e p^{lt} in like manner and thereupon it was Comanded the Marsh^{ll} that he Cause to Come Twelve &c: whome &c: by whome &c: who neither &c and there Came (to Witt) M^r Tho^s Swann: M^r Griffith Jones M^r W^m Norris Cap^t Jn^o Bird: M^r Rob^t Lowre M^r David Baley M^r Eben: Whitte M^r W^m Whitte M^r W^m Parker M^r Tho^s Parris M^r Jn^o fforree and M^r Zach: Keaton who being Sworne Say we of the Jury find for the Def^t

Ordered that the Suite be Dismist & the p^{lt} pay Costs als Ex^{con}

Samⁿ Sprewell: personally: Came into Court and acknowledged a Conveyance of one Hundrey & Seventy acres: unto Joseph Cannons

Ordered to be Registered

upon: motion of: Sarah: Carswell Ex^{trix} of Francis Carswell praying to prove the last will & Testam^t of her Deed Husband y^e Same was proved in Court by the oath of Hannah Mansfield: and y^e Said Sarah praying appraisers of y^e Goods & Chattles of y^e Deed

Ordered That Cap^t W^m Ludfford M^r Jn^o Woodley M^r Andrew Willson & M^r Cornelias Pitch Patrick or any three of them do appraise the Estate of the Said ffra Deed being first Sworne thereto before the next Magistrate

A power of attorney from: Sarah: Carswell to Jn^o Horsall was acknowledged in Court by the Said Sarah: & ordered to be recorded upon motion of Edw^d Bonwicke: her Matyes attorney Genⁿ

Ordered that the Marshall take into his Coustody the body of Denis Ryordan untill he answ^r to Such: matters & things as on her Matyes behalfe shall be objected ag^t him.

Tho^s Swann by Tho^s Snoden his attor: Comes to pr^{os} his Suite ag^t James McDaniell in a plea of Debt & Saith: ye Def^t Doth: owe & Stand Justly Indebted to him thes^d Tho^s in the full Summe of four pounds Six Shillings & five pence and the Def^t in p^{son} appeares & Confesses

Ordered that James McDaniell pay unto Tho^s Swann: the Summe of four pounds Six Shillings & free pence wth Costs al^s Ex^{con} upon: Motion of Tho^s Passingham praying to be allowed praying to be allowed for his Travill & attendance: being Sumoned as an Evidence by Tho^s Swann ag^t James McDaniell

Ordered: That: the Said Tho^s Passingham be allowed the summe of Eleven Shillings & Eight pence for Two: Courts: Comeing & goeing and his attendance thereatt

upon Motion of Edw^d Bonwicke Esq^r her Matyes attorney Genⁿ

Ordered that the Marshⁿ Take into his custody: y^e body of Doct^r Godfrey Sprewell to answ^r to Such matters as shall be objected ag^t him wth being heard and Considered

Ordered that: Doct^r Godffrey Sprewell: find Security for his good behaviour till the next Genⁿ Court for y^e Summe of Ten pounds upon petition of Jn^o fforree praying to prove an acco^t ag^t the Estate of Vincent Whitte Dec^d Did prove the Same by his oath &c

Jacob: Overman: personally: Came in Court & acknowledged Coⁿ Edw^d Moseley hiss attorney a Dead: of Sale from: Coⁿ Tho^s Cary: to James Tookes & Coⁿ Edw^d Moseley was proved in Court by the oath of M^r Tho^s Parris

Ordered to be Recorded

And then the Court adjourned Till the morrow morning Eight of the Clocke

Thursday the Court Meett againe according to adjournm^t

an assignment^t of a platte of 304 acres of land was acknowledged in Court by Jn^o Horsell to Jn^o Devenport

Ordered to be Registered

a power of attorney from Tho^s Handrey March^t of Boston to Jn^o palin was proved by the oath: of W^m Vaughan & ordered to be Recorded .

Co^{ll} W^m Reed: by Edw^d Moseley his attorney Comes to prōs his Suite ag^t W^m Russell in a plea of the Case and Saith the Deft Stands Justly Indebted to the plt in the Sume of Twenty pounds Seventeen Shillings & Three pence and the Deft was Called & Came not whereupon the plt by his attorney afs^d prayed an attachm^t ag^t the Estate of the Deft w^{ch} is Granted

Co^{ll} William Reed by Edw^d Moseley his attorney: Comes to pros his his Suite ag^t W^m Russell in a plea of Tresspass and Saith: that the Def^t the last Day of June or begining of July anno Dni 1711 by force & armes &c: the plantation or Inclosed Ground or pasture of him the s^d p^{lt} in Coratuck p^{re}inct Did Breake & a Six year old Bull therefound belongen to him the p^{lt} of the price of fforty Shillings Did Take kill & Carry away: and other harmes to him Did Doe: &c: and the Def^t was Called to answ^r thereunto but Came not whereupon the p^{lt} by his attorney afs^d prayed an attachm^t ag^t the Def^{ts} Estate w^{ch} was Granted

Miles Cury Gent: of virg^a Comes by Dan^l Richardson & Edw^d Bonwicke his attorneys to pros his Suite ag^t James Tookes march^t in an ac^{con} of Tresspass: & Contempt ag^t the forme of a Statute made by the Grand assembly: of this province between the 21th Day of Jan^y anno Dni 170⁶ and the Eight Day of march then next following: Entitled an Act Conscarneing Servants & Slaves: and Saith: That: he y^o said James: Doth: harbour; and Detaine a Certaine Negro Man Slave to him the Said Miles belongen; Comonly Called Stephen: Contrary to y^o forme of the afs^d act &c: and the Def^t by Edw^d Moseley his attorney Comes & Defendes the force & Injury when &c and for plea Saith Non Cull per patriam and for Tryall: &c whereupon it was Comanded the Marsh^{ll} That he Cause to Come Twelve &c: whome &c: who neither &c: and there Came (viz^d) M^r Tho^s Swann M^r Griffith Jones M^r W^m Norris Cap^t Jno Byrd Eben: Whitte M^r W^m Whitte M^r W^m Parker: M^r W^m Swann M^r Henry Speller M^r Rich^d Smith M^r Robt Hiekes and M^r Edm^d Gale: who being Sworne Say, we of the Jury find for the p^{lt} and thereupon the

Said Deft by his attorney afs^d mov^d for arrest of Judgmt and Day is Given him Till the Second Day of the next Gen^l Court &c:

The Gentmen of the Grand Jury made their p^rsentm^{ts} and are Dis-
mist from further attendance at this Court and then the Court adjourned
for halfe an hower

at halfe an hower the Court meett againe

Rich^d Stamp: assignee of Bartho: Phelps Comes to pr^os his Suite ag^t
Archable Hartley in a plea of Debt and Saith the Def^t Standes Indebted
to him the said Richard Soe qualified in the Sume of: Six pounds &c:
and the Deft was Called & Came not whereupon the plt prayed an ord^r
against the Marsh^l

Ordered that the Marsh^l of Albemarle County have the body of the
Said Archable Hortley att the next Gen^l Court a^s Judgmt agt the Mar-
shall.

And the Marshall prayed an attachmt agt the Estate of the Deft w^{ch}
was granted

A will of Sam^l Slocombs: being produced in Court proved by the
oathes of Ann Brice & Louis Thomas w^{ch} Said will mentioneing That his
Mother Elez^a Smith and his Brother Jno Slocomb & Margreatt Davis to
be Gen^l Legatees and there being no Executo^r in the Said Will appointed

Ordered That: administration of all & Singular the Goods & Chattles
of y^e Said Sam^l Dec^d be granted unto the Said Elez^a Smith Jno Slocomb
and Margreatt Davis Cum: Testamento annexo: and that: ffarnifold
Green Jno Nellson Jun: Jno Smith & Rich^d Hill or any three of them
Doe apprise y^e Estate of the s^d Sam^l Slocomb Dec^d being first Sworne
thereunto befor a magistrate

upon motion of Jn^o Swaine praying apprisers of the Goods & Chat-
tles of Stephen Swaine De^{cd}

Ordered that M^r Jn^o ffalinor M^r Tho^s Clarke M^r James Ward and M^r
Joshua Calloway or any three of them Doe apprise the Estate: of
y^e Said Stephen Swaine De^{cd} being thereunto Sworne before a Mages-
trate

Mary Lawson: widdow by Tho^s Snoden her attorney Comes to pr^os
his Suite ag^t Jn^o Rutter in a plea of Debt and Saith That the s^d Jn^o
Standes Justly Indebted to her the s^d Mary: in the full Sume of Two
Bar^{ls} Pitch & one Barrill: of Tarr and the Def^t in p^rson appeares &
Confesses

Ordered that Jno Rutter pay unto Mary Lawson the Sume or quantity
of Two: Barrills of Pitch & one Barrill of Tarr according to Specialty
wth Costs

And thereupon s^d Mary by her attorney afs^d pray by reason of his Insolvency that the s^d Jno may be Comitted in Custody of the Marshall: untill he hath paid or Secured to be paid the Said Debt & Costs afs^d and it was ordered accordingly.

Jno Robison: & Sarah: his wife & Jno Nixon: Executo^{rs} of the Last will & Testamt of Jno Harris De^{cd}: Comes to pros their Suite agt W^m Wallston in a plea of Trespass upon the Case & Declares: That: the Deft Stands Justly Indebted to the plt qualified as afs^d in y^e Sume or Quantity of one Tune of Barrills & five yds of Scotch Cloth &c: and the Deft by Edw^d Moseley his attorney Comes & Defends the force & Injury when &c: & prays oyer: of the Lett^r Testamentary: and to him it is read in haec Verba. whereupon the Deft prays Judgmt of the Declar^{con} afs^d because he Saith that there is Variance or misnomer between the Declar: & the Lett^{rs} Testamentry mentioned there in the Declar: mentioning that one Nickson is one of the Executo^{rs} & plt to the Declar^{con} whereas in Truth: the afs^d Lett^{rs} Testamt^{ry} Doe not mention any such person & this he is ready to aver Wherefore he prays Judgmt of the Declar^{con} afs^d &c: w^{ch} being Considered by the Court the s^d plea: is allowed Good & Sufficent to abate the ac^{on} and thereupon is ordered that the Suite be Dismist &c

upon petition of W^m Jones

Ordered that the Said W^m Jones be allowed the Sume of Sixteen Shillings & Eight pence for his Travill & attendance Two Courts being Sumoned as an Evidence: by: Jno Robison & Sarah his wife & Jno Mixon Executo^{rs} of the Last will & Testament of Jno Harris Dec^d agt W^m Wallston als Ex^{con}

Tho^s Handry marcht of Boston by Jno palin his attorney comes to pr^{os} his Suite agt Rich^d Morton Late of the p^{re}cinct of Coratuck Tailour Deft in a plea of Debt and Declares: That the Said Rich^d Stands Indebted to him the said Tho^s & comp. in the full Sume of: one pound Seventeen Shillings & a peny in & by his Noate under his hand Dated the 16th Day of Jan^y anno: 1711: and the Deft was Called & Came not and thereupon the p^{lt} by his attorney afs^d prayed an attachmt agt the Estate of y^e Deft w^{ch} is Granted

And: then: the Court: Adjourned to the Court in Course

C. GALE Ch: Just:
JOHN PETTIVER
THOMAS MILLER
ANTHONY HATCH

NORTH CAROLINA—ss

Att a Gen^l Court held for the province a^fs^d at the house of Cap^t Jn^o Hecklefields in Little River on Tuesday the 27th Day of Octo^r Anno Dino 1713

Present the: Honab^{le} Maj^r Christo: Gale: Esq^r Chiefe Justice and his associates

The Court being Called W^m Armure: bound over by Recognizance made his appearance: at the prayer of the Informant is Dismist wthout Day And then Court adjourned till y^e morrow morning Eight of Clocke

Wedness^d att Eight of y^e Clock y^e Court Meett & Satt

p^resent uttsupra:

And now here at this Court came Jno Blish by Tho^s Snoden his attorney & prayd that y^e Marsh^l would bring forth: y^e body of Geo Cooper according to order of y^e last Court wherein haveing failed ye plt prayd that Judgm^t might be Confirm'd ag^t y^e Said Marsh^l Ordered y^t y^e Marsh^l of Albermarle County pay unto Jn^o Blish: march^t the Sume of Three pounds one Shill & three pence with Cost alias Ex^{con} and y^e Marsh^l prayed Cont: of y^e attachmt ag^t y^e Estate of y^e Deft w^{ch} was Granted

And now: here att this Court Came Jno Blish marcht by Tho^s Snoden his attorney and moved that the Marsh^l would bring forth the body of Jno Powell according to order of y^e Last Court wherein haveing failed The plt by his attorney a^fs^d prayed that Judgmt might be Confirmed agt the Said Marsh^l

Ordered that: the Marsh^l of Albermarle County pay unto Jno Blish: marcht The Sume of Two pounds with Costs: alias Ex^{con} And the Marsh^l prayed Continuance of y^e attachmt agt y^e Estate of y^e Deft which was Cont: accordingly

And then the Court adjourned for an Hower

According to adjournmt the Court meet and Satt

Henry: Speller marcht by Tho^s Snoden his attorney: Comes to pr^os his Suite agt Jno Relfe: in a plea of Debt and Saith the Deft Doth owe and Stand Justly Indebted to him y^e p^t in y^e full Sume of Twelve pounds as by his Certaine bill under his proper hand may appear and the Deft in person appeares & Confesses.

Ordered that Jno Relfe pay unto Henry Speller the Sume of Twelve pounds with Costs als Ex^{con}

Jno Relfe by Edw^d Bonwieke his attorney Comes to pr^os his Suite agt Henry Speller marcht in a plea of y^e Case & Saith: the Deft Stands

Justly Indebted to him y^e plt the Sume of Seven pounds fifteen Shill by accot here ready to make appear and y^e said Deft Saith nothing in barr or Retardation of y^e Said acc^{on} Wherefore y^e said plt remains agt y^e Said Deft thereof undefended therefor it is Considered by the Court here yt y^e s^d plt recover agt the Said Deft the Said Sume of Seven pounds fifteen Shill with Costs als Ex^{con}

Jno peny : marcht was Called to pr^{os} his Suite agt Lieut Coll Theopheous Hastings but Came not whereupon y^e Deft by Danl Richardson his attorney prayed an non pr^{os}

Ordered that y^e Suite be Dismist & y^e plt pay Costs als Ex^{con}.

Jere: Symons by Danl Richardson attorney Comes to pros his Suite agt David Northy : Deft in a plea of y^e Case and Saith the Deft Doth owe & Stand Justly Indebted to him y^e p^{lt} in the Sume of Ten pounds and the Deft was Called but came not and y^e p^{lt} thereupon prayed an order agt the Marsh^{ll}

Ordered that y^e Marsh^{ll} of Albermarle County have y^e body of the Said David Northy att the next Gen^l Court als Judgmt agt the Marsh^{ll} :

And the Marsh^{ll} prayed an attachmt agt y^e Estate of y^e Deft which is Granted.

Griffith Jones of y^e precinct of pasquotank Comes to pros his attachmt agt Jno Creach : of y^e Same place and the Deft was Called & Came not and the Marsh^{ll} haveing returned attacht of the Deft^s Estate one yeareling Colt : and one blacke and Whitte Cowe marked on the Right Eare wth a Cropp and on the left wth and under Keell wth a Calfe by her of y^e Same Collour unmarked and the plt thereupon proved an accot by his oath : agt y^e Deft y^e ballance whereof was Two pound Seven Shill : and Ten pence

Ordered that y^e Goods attached be Condem'd to Satisfye y^e af^{sd} Debt And Costs to y^e Said Griffith Jones and that y^e Marshall have y^e Same appraised according to act of assembly

Jonathan Bateman personally Came into Court & accknowledged a Convayance of one Hundred & fifty one acres of Land Lyeing in Cuseopernon unto Jno Birkett

Ordered to be Registered

And now here at this Court Came Richard Stamp : and moved that y^e Marsh^{ll} would bring forth y^e body of Archable Hartley according to order of y^e last Court wherein haveing failed y^e Plaintiff prayd that Judgment be confirmed against y^e Said Marshall according to y^e af^{sd} order

Ordered that y^e Marshall of Albemarle County pay unto Rich^d Stamp y^e Sume of Six pounds with Costs a^{ls} Ex^{con}

And the Marshall pray'd Continuance of y^e attachment against y^e Estate of y^e Defendant w^{ch} is Cont: accordingly.

Will^m Lewis of y^e County of Bath by Edw^d Moseley his attorney Comes to prōs his Suite against Co^{ll} W^m Brice and Saith the Defendant Stands Justly Indebted to him y^e Said Plaintiff in y^e Sume of fourteen pounds &c and the Defendant was called but Came not & thereupon y^e Plaintiff prayd an ord^r against y^e Marshall

Ordered that y^e Marshall of Bath County have the Said Co^{ll} W^m Brice at y^e next Gen^l Court alias Judgment against y^e Marshall

And now here at this Court Came Samuel Holland marcht by Tho Snoden his attorney and moved that y^e Marshall would bring forth the body of W^m Luffman according to order of the Last Court wherein haveing failed the Plaintiff prayd that Judgment might be Confirm'd against the Said Marshall

Ordered that the Marsh^l of Albermarle County pay unto Sam^l Holland the Sume of five pounds Eighteen: Shillings wth Costs alias Ex^{cō}n

And y^e Marsh^l prayd Continuance of y^e Attacht agt y^e Estate of the Deft w^{ch} is Cont: according

Jacob Overman of y^e precinct of pascotank weaver Comes to prōs his Suite agt Geo: Scarbrough in a plea of Debt and Saith y^e Deft is Justly Indebted to him the plt y^e Sume of one pound Seventeen Shillings & Six pence as by his bill under his hand Doth & may appear and the Deft appeare in person and Confesses accordington Specialty

Ordered that Geo: Scarbrough pay unto Jacob Overman the Sume of one pounds Seventeen Shill & Six pence wth Costs alias Ex^{cō}n

and now: here at this Court Came: Capt ffrad Jones by Edw^d Moseley his attorney & moved that the Marsh^l would bring forth y^e body of Eman^l Cleave according to ord^r of y^e Last Court wherein having failed the plt by his s^d attorney pray'd that Judgmt might be Confirm'd agt the s'd Marsh^l for the Debt & Damages afs^d

Ordered that y^e Marsh^l of Bath County pay unto Capt ffrad Jones the Sume of ffifty Six pounds Twelve Shilling & five pence wth Costs als Ex^{cō}n

A will of Gilbert Goodales was proved in Court by the oaths of M^r W^m Stevens: & Margreat Slatter at y^e Instance of Rich^d Whittbee Ex-cuto^r thereunto

Capt Jno Robison: Comes by: Edw^d Bonwicke his attorney to prōs his Suite agt Martin: ffranke Deft in a plea of Debt and Saith: that y^e Deft afs^d stand Justly Indebted to him y^e plt in y^e Sume of Twenty four pounds Thirteen Shill & four pence as by his: Certaine bill und^r his

proper hand Doth and may appeare and y^e Said Deft in person appeares : & Confesses for Twenty Three pounds Twelve & Eight pence.

Ordered that Martin ffranke pay unto Capt Jno Robison y^e Sume of: Twenty Three pounds Twelve: Shill & Eight pence with Cost alias Ex^{con}

Upon: petition of Ezeriunn Parker praying to be allowed for his Travill & attendance being Sumons as an Evidence by Jno peny agt Lieut Coll Theophelous Hastings

Ordered that y^e Said petition^r be allowed for Two days Comeing & Two dayes goeing and one dayes attendance according to act of assembly made & provided

Danl Guthrie Comes to pr^{os} his Suite agt Christo: Bailes in a plea of Debt and Saith the Deft Stands justly Indebted to y^e plt in y^e Sume of Ten pounds and a non est Inventus being returned on y^e writte the plt prayed an attachmt agt the Estate of y^e Said Deft w^{ch} was Granted

Mary Lawson Ex^{trix} agt Bartho Phelps and the Said Deft in person Comes & prayes a Speciall Importance to y^e next Gen^l Court and he hath it and upon motion of y^e plt by her attorney afs^d

Ordered that he Continue in Custody of y^e Marsh^l untill he give Secu-
rety for his appearance at the next Gen^l Court

Watt: Price assignee of Jno Tho^s Comes to pr^{os} his Suite agt adol-
phus Hanson and Saith the Deft Stands Justly Indebted to him the plt in y^e afs^d quality the sume of four pounds as £ warr and y^e Deft was Called & Came not according to returne of y^e writte and y^e plt thereupon prayed an order agt y^e Marsh^l

Ordered: That: the Marsh^l of the County of Albemarle have the Body of The Said Adolphus Handson at the next Gen^l Court alias Judgmt agt y^e Marshall

And the Marsh^l prayed an attachmt agt The Estate of y^e Deft w^{ch} is Granted

Mary Lawson: Ex^{trix} of the Last will & Testamt of: James ffewox: Dec^d: Comes to pr^{os} her Suite agt Jno ffisher and Saith y^e Deft Stands Justly indebted to y^e plt in y^e Sume of Six pounds as £ warr: and an non est Inventus being returned on the writte y^e plt prayed an attachmt agt y^e Estate of y^e Deft w^{ch} was Granted

Jno Hollum by Tho^s Snoden his attorney Comes to pr^{os} his Suite agt Jonatha: Bateman in a plea of Debt and Saith the Deft Stands Justly Indebted to y^e plt in the Sume of Eight pounds as £ warr and the Deft in person appeares and Confesses

Ordered that: Jonath: Bateman pay unto Jno Hallum the Sume of Eight pounds with Costs alias Ex^{con}

Upon petition of: Jacob: Overman

Ordered that y^e s^d Jacob: Overman be allowed y^e Sume of five Shill & Tenn pence for his Travill & attendance being Sumoned as an Evidence: by Wattkin price agt adolphus Hanson

And now here at this Court: Came James Tookes by Edw^d Moseley his attorney: and gave here in Court the following reasons in arrest of Judgmt &c:

1st The Verditte is Ill: the Jury: Carying wth them: Severall papers Dispositions &c w^{ch} were not read in Court: Sealed up: & Delivered by the Court to the Jury

2^{ly} Those papers had they been: read ought not to have been Caryed from y^e Barr by the Jury

3^{ly} Judgmt ought not to be affirm'd on that Verditt it being an ill verditt not finding wt ought to have been found:

4^{ly} The Declaracon Containes Duplicity of matter

5^{ly} The Declaracon is not: Certaine percise mention: not being made: of y^e quantity of time w^{ch} the negro: is Saith to be kept:

6^{ly} The act: or penall Statute upon w^{ch} This accon is founded Doth not warrant or mainetaine y^e Declaracon as layd by the plt whereupon y^e Deft afs^d for y^e Reasons afs^d prayed y^e Judgmt may be Sett a Side: and y^e plt by his attorney: moved That the Deft might make Affidavit to the reason afores^d as the rule of y^e Law: in that Case: Directs there being matter of fact Contained in them Whereupon the Deft waved those reason wherein the matter of fact: was Contained and Insisted on the matter of Law only: w^{ch} being Argued on Both Sides the Court resolved to advise thereon till tomorrow morne 10 of y^e Clocke

And then the Court adjourned for an hower att an hower the Court mett & adjourn'd till y^e morrow Eight of y^e Clocke

Thursday morne Eight of y^e Clocke y^e Court meett & Satt

Bartho: Phelps personally: Came into Court: & acknowledged a Conveyance: of: Two: Hundred & fifty: acres of Land unto: Will^m Whitte

Ordered to be Registered

Jno Porter: assignee of Tho^s Collings by Edw^d Moseley: his attorney Comes to Pr^{rs} his Suite agt Tho^s Averitt and Saith the Deft Stands Justly Indebted to the plt the Sume of Twenty pounds as p warr: and the Deft appeares and confesses according to Specialty

Ordered that Tho^s Averitt pay unto Jno Porter y^e sum of Twenty pounds with Costs alias Excon

SMITH : WICKE agt HAUGHTON

And the Said plt by his attorney Comes and prays an : Imparlance unto the next Genll Court and it is Granted

Tho^s Harris Geo : Scarbrough : Jno Relfe W^m Stephen. Ambrous McCoy were lawfully Sumoned on y^e petty jury : being Solemnly Called Came not and thereupon it is ordered that y^e Severall persons above named be fined The Sume of Tenn : Shill Each : according to Rule of this Court

and then the Court adjourn'd for an hower

Att an hower the Court mett and Satt

In : the a^con : Depending between : Miles Cary : plt & James Tookes Deft Cont : Till This Day 10 of y^e Clocke for the Court to advise on and the Court haveing advised and considered the Severall reasons and allegations offered by the Deft in arrest of Judgmt Itt is y^e oppinion of this Court That the Said reasons ought to be overruled & they are hereby Over Ruled and thereupon it is

Ordered : That : James Tookes pay & Deliver to the Said Miles Cary : the Said Negro Slave named Stephen as alsoe the Sume of Ninty : Two pounds Ten. Shill for a hundred Eighty : five Day : Detaineing of the Said Slave : Conrary to y^e forme of an act of assembly in that Case made & provided alias Ex^con And thereupon the Deft by his attorney afs^d prayed an appeale to the Hon^{ble} Court of Chancery w^{ch} is Granted the Deft giving Security : to pr^os his Said appeale : with Effect

Whereas it is Testifyed to y^e Court here That a Judgmt hath been recovered by : Capt Jn^o Norton agt James Bowman Black : Smith in precinct Court of Coratucke for y^e Sume of Three pounds fourteen : & Ten pence wth Costs of Suite and the Said Deft is Departed the Said precinct : Soe that by : any precept of y^e Said Court he Cannot be Taken Testatum Ca : Sav : awarded

Whereas : it is Testifyed to the Court here That : a Judgmt hath : been recovered by Capt Jn^o Norton agt James Bowman, Black Smith in the precinct Court of Couratucke, for y^e Sume five pounds one Shill : & five pence : wth Costs of Suite and the Said Deft is Departed the Said precinct : Soe that by any precept of that Court he Cannot be Taken Testatum Ca : Sa : awarded.

A power of attorney : from Jno Smith marcht to Co^{ll} Tho^s Boyd was proved in Court by the oath of Tobias Knight Esq^r

Ordered to be Recorded

A power of attorney from Ebenezer Whitte to M^r Dan^l Guthrie was proved in Court : by the oath : of James Dange

Ordered to be Recorded

Micajah: Perry: & New: Pinsilvania Comp^a agt Tho^s Petterson:
Capias adcomputandum awarded

Upon: Informa^on of Edw^d Bonwicke attor Gen^l That Robt Morgan
Jno Sawyer Sen^r Jno Sawyer Jun^r: Edw^d Williams Richard: Hastings
& Robt Sawyer Did utterly refuse to pay: the fine of five pounds Each:
Due from them by an act of assembly: for not Goeing to y^e Indian
warr and in Contempt of y^e Said Act: Did by force & armes Rescue and
Take from the Marsh^l Divers Goods on w^{ch} he had made Distress for y^e
Same persuant to y^e Said act thereupon an order of Councill was Deredcted
to y^e Sd Marshall to Take the afs^d Delinquents into Custody: to give
Security: for their appearance at this Court and the Sd Delinquents not
appeareing a Capias is awarded

Martin ffranke: Came into Court: & Discharged the Judgmt obtained
agt him this Court by: Capt Jno Robison for y^e Sume of Twenty Three
pounds Twelve Shill: & Eight pence: with Costs of Sute

Mary Lawson Ext^{rix} of the Last will & Testament of Geo: Gladstaine
De^{cd} by Tho^s Snoden her attorney: Comes to pr^{os} her Suite agt: W^m
Whitte and saith the Deft Stands Justly Indebted to her y^e plt qualified
as afs^d one young Maire of Two: yeares old: as by a Certaine written
Obligatory und^r his proper hand may appear; and the Said Deft in per-
son appeares & Confesses according to Specially

Ordered: that: W^m Whitte pay unto Mary Lawson in her quality afs^d
one young maire of Two yeares old or the value thereof with Costs als
Ex^{con}

And now here at this Court Came: Isaac: Willson: by Tho^s Snoden
his attorney: & moved that the marsh^l would bring forth: the Body: of:
W^m Johnson: according to order of the last: Court wherein haveing
failed the plt prayed that Judgmt might be Confirm'd agt the said Mar-
shall

Ordered That The Marsh^l of y^e County: of Albermarle pay unto:
Isaac: Willson the Sume of Three pounds Six Shill with Costs: alias
Ex^{con}

And the Marshall: prayed a Continuance of the attachmt agt the
Estate of y^e Deft which was Granted

Jno Blish Marcht Comes by Tho^s Snoden his attorney to pros his Suite
agt Capt Rich^d Sanderson in an ac^on of Trover & Conversion & Saith
That he the plt on the first Day of aprill last past was Seized & pos-
sessed of one Indian woman Slave named Ann & one femeal Child as his
own proper good & Chattles and being so Seized & possessed as afs^d the
afs^d Slaves afterwards (vīz^t) in y^e month of June last past by finding

Came to y^e Custody & possession of y^e Deft Nevertheless the Deft very well knowing the afs^d Slaves to be y^e proper lawful: & Rightfull Estate & Inheritance of y^e plt yett minding & Intending the plt of y^e Same wholely: to Deprive & Defraud the afs^d Indian Slaves to y^e plt to Deliver or restore hath hitherto Gainsayed & Doth as yett Gainsaye: to y^e plts Damage Sixty pounds &c: and the Deft by Edw^d Moseley his attor Comes & for plea Saith Non Cull. and for Tryall putts himselfe upon the Country and y^e plt in like manner Whereupon: it was ordered the Marsh^l that he Cause to Come to morrow morneing eight of y^e Clocke Twelve &c whome &c by whome &c who neither &c & on the morrow Eight of y^e Clocke there came (vizt) who being Sworne say: wee of y^e Jury find for the plt 30£ and the Deft by his attorney afs^d moved in arrest of Judgmt and for these Causes; for that the time & place of y^e Conversion in not mentioned in the plts Declarcon and the matter being Debated on both sides & Considered by the Court here it is the oppinion of this Court that Judgmt ought to be therefor Stayed: & it is hereby Stayed &c

Tho^s Pendleton: by: Dan^l Richardson his attorney: Comes to pros his Informacon ag^t Daniell Guthrie: and Saith that: Whereas In: & by an act: made by The Grand assembly: of this province between y^e 21th day of Jan'y: Anno Dni 170⁵/₆ and the Eight day of March then next following Intitled an act Conscarneing Servants & Slaves by w^{ch} Said act, it was (interalia) Enacted in y^e following or the like words (viz^l) and be it further enacted by the authority afs^d That whosoever buy sell Trade or Trucke Borrow or lend to or with any Servant or Servants Slave or Slaves wthout the Lycence or Consent: of his or their: master or owner for any Comodity whatsoever Shall forfeit & pay: for every: Such offence Ten pounds to be recovered as afs^d as in & by the Said act relacion being thereunto had Doth & may more fully appear: Notwthstanding w^{ch} s^d Dan^l Guthrie & Mary his wife of y^e p^recinct afs^d & wthin the Jurisdiction of this Court: & Especially she The Said Mary: the afs^d act nothing or regarding but y^e Same & the Authority thereof altogether Dispising and as well in Contempt thereof as Contrary to y^e purport: True Intent & meaneing thereof: She y^e Said Mary Did in y^e month: of June last past on a Sabath Day Deale Trucke & Trade to & with a negro: woman to him the said Tho^s pendleton belongen Comonly Called or known by the name of Jenny: and of her Did Take & receive Two: Sticks of whalebone to y^e value of Two: Shills in Consideracon whereof She the Said negro woman Did or was to have & receive of her that Said Mary Two: foulds or Dunghill Cockes wthout y^e Leave Lycence

Consent or knowledge of of him the Said Tho^s pendleton and as well to the Great Damage of him y^e Said Tho^s pendleton as Contrary to y^e True Designe of y^e afs^d act whereupon &c and the Said Def^t by: Tho^s Snoden & Edw^d Bonwicke his attorney Comes to y^e Plts Informa^{con}: Doth: Demurr: w^{ch} being Joyned by the p^{lt} and Argued on both sides: and the Court have Considered y^e Severall Causes offerd by the Def^t it is y^e oppinion of this Court that y^e Said Demurrer ought to be overruled & it is hereby over Ruled and thereupon the Def^t by his attorneys afs^d moved for an arrest of Judgm^t till y^e next Gen^l Court & it is Granted

Concordatur

Upon petition of Tho^s Bateman & Mary his wife

Ordered that y^e Said Petitioners be allowed the Sume of Eight Shill: & four pence Each for their Travill & attendance being Sum^s as Evidence by Jn^o Butler ag^t Jonath Bateman als Ex^{con}

Jn^o Bailes Rob^t Temple Jn^o Birkitt Edw^d Smithwick being lawfully Summons on y^e Grand Jury: were Sollomly Called Came not and thereupon it is ordered That the Said persons be fined y^e Sume of Twenty Shill Each according to Rule of this Court

And then the Court adjourned till the morrow morneing Eight of the Clocke

ffryday morne Eight of y^e Clocke the Court: meett & Satt

Jn^o Porter: by: Edw^d Moseley his attor Comes to pros his Suite ag^t Jn^o Salley: and Saith: That he the Deft Doth owe & Stand Justly Indebted to y^e p^{lt} in the full & just Sume of forty nine pounds. Three Shill: & Six pence halfe peny: as in & by acco^t Settled and adjusted: between them: Doth appear &c and the Said Def^t was Called & Came not according to returne of y^e Writte whereupon the p^{lt} prayd an order ag^t the Marshall

Ordered that the Marshall of y^e county of Albemarle have the body of the s^d Jn^o Salley at the next Gen^l Court alias Judgm^t ag^t the Marsh^l

Mary Porter widlow: & Jn^o Porter Executo^{rs} of y^e last will & Testament of John Porter Dec^d: Comes by Edw^d Mosely their attor to prōs their Suite ag^t John Salley in a plea of Debt & Saith that the Def^t by one writteing obligatory under his hand Dated the 15th of Octo^r 1710 Did acknowledge himselfe to Stand Indebted to y^e said Jn^o porter Dec^d the Sume of Seventeen pounds & Ten pence: in Sundry Species of this Country as ꝑ warr. and the Def^t was Called and Came not wherefor the p^{lt} prayd an order ag^t the Marshall

Ordered that the Marshall of the County of Albemarle have the body of the Said Jn^o Solley at the next Gen^l Court alias Judgm^t ag^t the Marshall

May porter widdow and Jn^o porter Executo^{rs} of the Last will & Testament of Jn^o Porter Dec^d by Edw^d Moseley their attorney Comes to pr^{os} their Suite ag^t Jn^o Salley in a plea of y^e Case and Saith That The Said Def^t Stands Justly to ye p^{lts} in their qualification the Sume of ffifty pounds Eight Shillings & a peny in Skins at Two Shill $\frac{7}{8}$ pound: for Divers wares Goods & marchandizes by the s^d Jn^o Porter Dec^d: Sold and agreed for to & wth y^e Def^t &c and the Said Def^t was Called & Came not according to the returne of the writte wherefore the p^{lts} by their attorney prayed an order ag^t y^e Marshall

Ordered that the Marshall of the County of Albemarle have thee body of the said Jn^o Salley at the next Gen^l Court alias Judgm^t ag^t the Marshall

Henry Speller: James Thiggen & Bartho Phelps being lawfully sumoned on the petty jury: Solemnly Called made Default

Ordered that the said persons be fined the Sum of Tenn Shillings Each according to rule of This Court

And then the Court adjourned for an hower

att an hower the Court meett and adjourned to the Court in Course

C. GALE Ch: Jus^b

1714.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO GENERAL NICHOLSON.

NORTH CAROLINA, Jan. 1st 171 $\frac{3}{4}$.

Honored Sir:

I have some time ago congratulated your safe arrival at Boston, but in hopes still of better things dare not to be so plain with you, being under some obligation of shewing mine to some who perhaps might have disliked, tho' would neither contradict nor yet remedy what I could, and now as heretofore for near these four years have had too much reason to complain of. This is now the time of payment, whilst people have it: Vestries have been summoned, but to avoid payment would not meet, and thus they have served me ever since I came among them, so that I fear I must retire into the next Government for relief, which will be an

eternal reproach to this Government, and the total ruin of me and my poor family. If these find your Honor at Boston and you shall think fit to intercede with our Governor and Council to provide for me till you come, I shall be very glad to see you here, but without your letter cannot hope to be so happy. I have made use of my witts to live hitherto, but now am at my witt's end. Starve nor dig I cannot, and beg I am ashamed. I humbly entreat your honor to peruse the inclosed and forward them according to directions. These with my humble respects are from

Honorable Sir,

JOHN URMSTONE.

[COUNCIL JOURNAL.]

NO CAROLINA—SS

Att a councill holden at y^e house of the Hon^{ble} Tho^s Pollock in Chowan on Saturday y^e 23^d Day of Jan^{ry} 171³/₄

Present

The Hon^{ble} Tho^s Pollock Esq^r Presid^t &c

The Hon^{ble} { Nath Chevin
W^m Reed
To Knight } Esq^r Lds Prop^{rs} Deputys

Complaint being made to this Board by King Blount & divers of his great men that Meherrin Indians have taken two Indian children belonging to y^e s^d Blount &c whose parents are at amity to us and Doe De tyne the Same as Slaves

Wherefore tis Resolved by this Board that y^e President Doe write to y^e s^d Meherrin Indians Commanding them to deliver the s^d Indians as they shall answere the Contrary at their Perrill and upon refusall that y^e President doe take such further measures as he shall think fitt to compell them thereto

It appeareing to this Board that there will be a nesessity of a small quantity of Corne to be raised for the support of King Blounts Indians who are employ'd in the service of this Governm^t It is resolved by this Board that the Hon^{ble} the President doe impress 150 bushells of Corn & Cause it to be Lodged at W^m Coys Garrison for y^e use of y^e afs^d Indians

It is Ordered by this Board that noe lands be Survey'd for any person wthin twenty miles at least of Cape fear river & Soe up to y^e head of Trent river till further orders from this Board

T KNIGHT

THO^s POLLOCK

THO^s BOYD

N CHEVIN

[FROM THE VESTRY BOOK OF ST. PAUL'S PARISH, CHOWAN PRECINCT.]

At a Vestry met at the church on the North Shore of the Sound in Chowan p^rcinct March y^e 2^d 171³/₄

Present

The hono^{ble} Thom^s Pollock Esq psi^{dt}

William Duckenfield Esq

Thomas Peterson

Thomas Luten

Thomas Lee

Leonard Loftin

Samuel Patchet

And they having taken into Consideration the Letters from the Hono^{ble} Society by the Hono^{ble} Co^{ll} Nicholson, together with one from his Hono. the following Answers to the Said Letters were ordered.

To Hono^{ble} Society de propoganda &c
S^{rs}

We whose names are here underwritten Vestrymen and Church Wardens of the precinct of Chowan in the County of Albemarle in the Province of North Carolina do for our Selves and on Behalf of the Rest of the Inhabitants of this said precinct in a most Grateful Manner, Return our hearty Thanks to the Hono^{ble} Society &c. for their great Care of our Souls' Health in Sending over Missionaries to preach the Word of God and Administer the Holy Sacraments among us. We and the whole English America ought to bless and praise the Almighty for having put it into the Hearts of so many Honorable and Great persons to think of their poor Country Folks whose Lot it hath been to come into these Heathen Countries, Where we are in Danger of becoming like the Indians themselves, without a God in the World.

We of this precinct: with the Rest of the Govern^t in particular have been for some time happy in the pious endeavours of divers of the Clergy Miss^y and others who have Set up the Worship of God according to the Church of England by Law established amongst us. but by the poverty of the Country, Unsettledness and Opposition of Sectaries. We never yet were able to make due provision, for those of that holy Order, which hath We fear been the Occasion of their short Stay with Us. None of them ever abode so long here as the Reverend M^r Urmston hath done. Yet have not been So happy in him neither as We would have desired, by reason that for the most part, there hath been no other Minister in these parts Since his arrival; and seeing the Confusions and Distractions of this Unhappy Colony, were so great, the opposers of the holy Church so numerous and their Endeavours to subvert the same indefatigable, he hath made the other precincts Sharers with Us in his Ministry. His great pains and unwearied Dilligence to keep together those of our Church, hath had good success. and will undoubtedly be very acceptable to the Society. It were to be wished he had met with due Encouragement proportionable to the great Feteagues and hardships, which he hath Undergone, but fear he hath failed thereof. We of this precinct allowed him according to our first act of Assembly in Favour of the Church of England, [which was not obtained without hard Strugling] 30£ p^r annum, for the first year, and half hoping the other precincts where he officiated would have done the like. We cannot say we have fulfilled our promise. As for the two years last past he hath been prevailed with, and indeed Necessitated, not being able to travel any longer about the country to confine himself to this precinct, where his Residence hath constantly been. We have a large parish, many poor inhabitants, and those Seated at a great Distance from each other. passages very Uncertain by Reason of a broad River, which runs through the Heart of the Parish. near 100 miles in length. and in many places broad. and but one sorry Church on the North Shore of the Sound never finished, no Ornaments belonging to a Church. nor wherewith to buy any except the Bounty of the Hono^{ble} Col Nicholson Viz^t 10 pounds, part of the 30^{lbs} given by him when Gov^r of Virginia to three Parishes of this County which is not yet expended for want of an addition according to the Intention of the Donor, parsonage House and Glebe we have none, nor a School: The first Library of great Value Sent us by the Direction of the Reverend Dr Bray. thro' an unhappy inscription on the Back of the Books or Title page. Viz^t Belonging to the parish of S^t Thomas of pamlico. in the then rising but now miserable County of

Bath falsely supposed to be the Seat of the Govern^t was lodged there. and by that means rendered useless to the Clergy. for whose service it was chiefly intended, and in what Condition We Know not. We fear the worst by Reason of the late war. The Library. sent in by M^r Gordon was all left with Mr Wallace late Minister of Keketan in Virginia Save Witby's Annotations on the New Testament. 2 Vol Fol and Pearson on the Creed. which we have. the said M^r Wallace upon due Application refused to deliver the Books. without an Order from the Society or M^r Gordon. There were missing Collection of Cannons. Peveridge on the Catechism Bennet ag^t the Quakers. Lucas of Happiness 2 Vol. 8vo. Eachards Ecclesiastical History fol. and now the said Mr Wallace is dead we fear the like ill Fate may attend the rest. those Charity Books to the value of 5 lbs the generous Gift likewise of the Society have been since Mr. Gordon's Departure, disposed of as was intended. What relates to the other parishes, within this Government, we presume will be laid before the Society by their respective Vestries, their necessity We believe to be great, but being under the like unhappy Circumstance beg leave only to supplicate for ourselves. and to pray the Hon^{ble} Society to continue or rather add to the Salary of M^r Urmston to the End he may be enabled to stay with us. and that they will out of their great Charity concur with our Honest but weak Endeavors to establish a Church, Ministry, and a School, with the allowance of 10 or 15 lbs p^r Annum to a person whom We shall make Choice of to teach our Children in this p^recinct and we shall be bound ever to pray that God All mighty may increase their Store and Strengthen their Hands in the carrying on the great Work they have so piously undertaken. and may meet with happy Success in that their Glorious Design.

So prays S^m

Your most obliged poor Countrymen
of the Vestry aforesaid.

To the Hon^{ble} Co^{ll} Nicholson——
Honoured S^r

The Reverend M^r Urmston having acquainted Us with your Hon good Intentions towards this poor Country particularly Us of this parish and the Continuance of your Generosity to usward.

We humbly pray your Acceptance of our unfeigned thanks for all your Favors. Hoping We have complied with the Orders of the Holy^y Society in the enclosed. We humbly beg your Hon^r would pleased to

concur with our Request to the Society and promote the Interest of a poor Country which you seem to wish so well. Your presence here is very much desired, all honest men and Friends of the Church are big with Expectation of the great Influence your good Endeavours may have over us all, to confirm and make all the Members of our Church adhere more Zealously to the Interest thereof.

Silence the Gainsayers and reduce the Authors of our late Confusions to a due Obedience to all lawfull authority in Church and State.

These with all unfeigned and humble

Respects are from

Hono^d S^r

Your &c.

Upon Complaint from M^r Urmston that the Sherriff Jn^o Hardy had failed in the Collection of forty five pounds ordered to be paid to the Said M^r Urmston. December y^e 10th Anno 1711.

Ordered that the said John Hardy do give an Account to the Church Wardens. who ordered him to Collect the Same of all he hath received and paid on that account on or before the last of this month..

Ordered that the present Church Wardens pay James Beasley for a Desk in the Church as soon as it can be raised.

Ordered that Doct^r Spruill be paid for the Cure of Ebenezer Aldridge. his Claim of twelve pounds by the present Church Wardens as soon as money can be raised.

Ordered that Mr Moseley be allowed forty Shillings for the Board of the Said Eben: Aldridge for four months by the present Church Wardens as soon as money can be raised.

That M^r Edward Moseleys Request for an allowance towards his Loss in the plank bought for the use of the Church be referred to the consideration of the next Vestry

THO LEE

LEONARD LOFTIN

THO^s PETERSON

THO^s POLLOCK

W^m DUCKENFIELD

THOMAS LUTEN

[FROM NORTH CAROLINA LETTER BOOK, S. P. G.]

MR. RAINSFORD TO THE SECRETARY

CHOWAN N. CAROLINA March 30th 1714

Worthy Sir

Since my arrival here I have writ several letters to the Society according to their directions half yearly & particularly relating to my Mission

and proceedings in this Government. I can't suppose my letters to have miscarried by reason of my Bills being protested by the Treasurer as soon as exposed to view I can't but think this is severe usage considering the inexpressible hardships and inconveniences it exposes me to I need not tell you that neither Mr. Urmstone nor myself has ever received anything by way of support by the contribution of the Inhabitants but my own particular losses have been considerable in this Government whether I respect the horses I have lost here the great expenses I have been at for a guide to inform me in the road (which has been no less than £20 yearly) my everlasting fatigue in going by water and hiring hands and now the great misfortune of having my Bills protested. This last particular had almost ruined me by destroying my credit which has been upheld ever since my arrival by that worthy Gentleman Mr. Edmund Kearney out of profound respect to the Society and now this every thing not only exposes me to want but even to the dangers of a Gaol—The fatigue of being an itinerant I am not able longer to undergo and have accordingly quitted the 25th of this instant the Societys employ I designed instantly home but can't possibly leave America till Mr. Kearney is every satisfied for the sume he has lent me—

It's well however known to the Society that I left an excellent cure in England—That I came here not out of necessity but choice not for interest but conscience when I entered into their employ and I had rather serve the Society 7 year gratis than to let this Gentleman suffer for his undeserved civilities I am now with him in order for Virginia where I shall supply some vacant Parish till I receive an answer to this and accordingly have sent those two Bills a second time which have been once protested hoping that Hon^{ble} body will consider my condition in so remote and helpless an abode and pay them now punctually to Mr. John Porterfield that I may be easy under these heavy and almost insupportable circumstances I have put the two forty pounds bills into one Eighty pounds that it may be less troublesome to the Treasurer—There is this last half year due to me still with the preceeding half year that I have not heard of tho' drawn for this I shall omit drawing for till I see Col' Nicholson who is expected in two months time I formerly mentioned my readiness to serve the Society in any other part of America except this of North Carolina provided I may be a settled Incumbent and have no greater difficulties to grapple with than the rest of my brothers employed in this service I now sincerely offer myself to any place the Society shall please to appoint me I have faithfully and conscientiously discharged my duty during my continuance in these parts and at the first return to

answer to this shall go to Britain unless the Society disposes of me as I propose—

The Colony is now at peace the whole body of the Indians being entirely destroyed—I never yet received a Book of Mr. Adams's Mr. Sanderson who had them at his death having disposed of them to those who neither will use them nor return them Mad^m Hyde sold me all the Societies Books committed to her care for Eggs Butter &c. when they were to be disposed of gratis according to the interest of the Society—

I can safely say that my lodging for the best part of my time in this Government was in an old Tobacco house & exposed to even in my bed the injuries & violence of bad weather with infinite other inconveniences only to settle myself where I thought I had an opportunity of doing most good.

Mr. Urmstone told me he immediately designed home soon after the arrival of Co^l Nicholson and truly I don't see how the country any way deserves a Missionary among them for behave yourself with the greatest caution and reserve and shew the fairest example of a Christian life yet notwithstanding they'l traduce slander and bely you and if you seriously tell them of their faults they'll not only absent themselves from Divine service but as much as in them lies hinder others from the performance of what God and religion require at their hands I once more entreat your Venerable body the Society that my Bill may be paid in order to my future quiet and I shall ever acknowledge it to be highly charitable and condescending in them for so distinguishing an act of their bounty and goodness shewn to their Missionary as well as most grateful most obliged thankful

humble servant

GILES RAINSFORD Miss:

I formerly writ to be discharged from this cue and if the Society took it into consideration as I suppose they did and discharged me at their Board there remains their bounty of a years salary (as appears by their collection of paper) which I presume is intended to carry me home

[COUNCIL JOURNAL]

NORTH CAROLINA SS

Att a Councill holden at y^e house of Cap^t Jno Hecklefeld in Little River on Wensday April y^e 7 1714

Present The Hon^{ble} Tho^s Pollock President &c

The Hon^{bles} { Thos Boyd
Na: Chevin
W^m Reed
T Knight } Esq^r Lds prop^{trs} Dep^{ty}s

Upon Petition of M^r Joell Martin Attorney to M^r Jno Morgan Exec^r of y^e Last Will of Capt James Beard dec^d praying Letters Testamentary upon behalf of y^e s^d Morgan upon y^e afs^d Will

Ordered that letters Testamentary be granted as pray'd for

Obadiah Rich acknowledges himself to Stand Justly indebted to our Sovereign Lady the Queene in the Sume of ffifty pounds & T McBride in the Sume of fifty pounds to be levyed upon their goods & Chattles Lands and Tenements Upon Condition that y^e s^d Rich doe appeare at y^e next Gen^l Court to be holden for this Governm^t to answer to such matters as shall be objected ag^t him & in y^e meantime to be of his good behaviour

Whereas the Dep^t Marshall of Curratuck have returned a warr^t executed ag^t Rich^d Smith to appear before this Councill but neither the s^d Marshall nor the s^d Smith appearing It is hearby ordered that y^e said Mars^h have y^e body of y^e said Smith at y^e next Gen^l Court to be holden there to answer the said Compl^t as he will answer y^e Contrary at his peril

Danⁿ Richardson Esq^r the L^{ds} proprie^{rs} Receiv^r Gen^l representing to this Board that there is a nessesity of appointing some persons to recieve y^e p^{ch}ase money in the County of Bath & pray's the opinion of this Board whither if he appoints such persons as afs^d the Charges that he shall be at for receiving Storage &c may not be allowed upon his acc^{ts} with y^e Propriet^{rs}

Whereupon this Board haveing duely Considered the matter. It is their opinion that all Such reasonable Charges as y^e afs^d Richardson Shall be at as afs^d ought to be allowed to his Cred^t on y^e Prop^{trs} Acc^{ts} as afs^d

M^r Charles Worth Glover having reported to this Board that he was Resident at King Blounts Town four months by a form^r order of y^e Assembly by w^{ch} order he was to have received ten pound for y^e first month & £5 for every month after w^{ch} amounts in the whole to £25 to be pd at his returne but Contrary to Expectation the Treasurer refuses to pay the same untill next year

Wherefore it is ordered that y^e Treasurer of Pequimons prec^t Doe pay y^e afs^d Sume of £25 to the S^d Charles Worth Glover without Delay

f^{or} as much as it has been represented to this Board by the Commons Assembled that by reason of y^e continuall Outrages & Hostillitys Committed

by the Indians in the County of Bath the People Inhabiting that County cannot soe readily comply with the paym^t of the Purchase money for the Land as by Act of Assembly is required and therefore prays that a further time may be granted to them for that Purpose and that their Settled Lands may not Lapse in the mean time which matter being Considered by this Board

It is Ordered that no Lapsed pattents be granted for y^e future for any Settled Lands in the County of Bath untill futher Orders from this Board but that untill such futher order the people who are the owners & possessors thereof have Liberty to provide and secure paym^t for the Same And tis further ordered that whenever this order shall be altered notice thereof shall be given to y^e People by Proclamation at least ffour months before.

Whereas many People haveing taken up Land upon the Morratock River & the branches and Pattented the same but are not capable of settling them by reason of the Indians Pursuant to y^e purport of the same pattents—

It is ordered that such Land Shall not Lapse for want of seating till one years notice thereof be given from this Board

Cap^t W^m Hancock haveing Complained to this Board that he having imprest & Commanded Jnō Tanyhill W^m Hutson ffrancis Hill Edw^d Pearce Tho^s Jones Geo Moy Jnō Haman Jnō Slocomb Tho^s Masters Jno Sheaver & Christo Miller to march out wth him ag^t the Indian Enemy they utterly refused to obey his comānd in Contempt of the authority of this Governm^t

Therefore It is ordered by this Board that y^e Provost Mars^{ll} of the County of Bath take the severall Persons above named into his Custody untill they give good security for their appearance at y^e next Gen^l Court to answer the s^d Contempt

T KNIGHT

THO POLLOCK
THO^s BOYD
N CHEVIN

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO GENERAL NICHOLSON

NORTH CAROLINA April 12 1714.

Honored Sir

As soon as possible after I was favoured with one from the Society inclosed in your honor's I sent to the several Vestries within this

wretched Government in number seven and exhorted them to lay hold of this opportunity of obtaining Missionaries and School masters which are much wanted—I know not how quick they may be in complying with your commands if know them I am not apt to believe they'l not be over forward, such slow bellys to all that concerns souls health: most here had rather be without them. I am sure they are not worthy of any and were their usage of me known I am persuaded none would be so mad as ever to come among them they'l neither pay Minister nor School-master nay they had need to be hired to go to church or send their children to school I and all my predecessors have been laden with calumnies reproach and scandalous falsehoods instead of wealth nay having had the hard fortune of staying against my will longer with them than any of my function ever did—I find them more prone to take from us by fraud and extortion what we bring with us and seem unwilling we should live though at our cost by them—

I cannot but wonder the Society should want to be informed about the state of this sorry country since I have sent them so many and such dismal accounts of it I fear I have been abused for my custom hath been to send my letters open to a certain Member of the Society who either hath not delivered them or else they were not believed I have often prayed for a removal or rather leave to go home and had I been able I should long 'ere this have left the place 'tis very greivous to live in so great want of food and raiment and indeed all necessaries, to hear the complaints of a poor Gentlewoman I brought from her friends who had she not been my wife would never have endured so much baseness and above all things the continual danger we have been in a long time of being sacrificed by the Indians, frightful reports of daily murders committed in the neighborhood—I blessed God we have escaped with our lives but have suffered more than any other family in the Government for all that lost either houses goods or provisions were relieved and taken care of whereas we are neglected I have frequently begged both in public and private for relief if not allowance as their Minister at least their charity as a christian and Inhabitant but it availed nothing; many would say why did I not labour & make corn they saw no reason why I should not work as well as they.

I cannot see how it will ever be possible to settle a Ministry here the people live so scattered and remote the Parishes so large that they cannot be supplied without much labour and charge—I have been open exposed to great danger and a great expense and at last bought a couple of Negroes and a canoe in order to serve my cure and forced to hire a white

hand to teach them as well as make them work, weary of that charge I resolved to buy me an English Servant was cheated with one by Thomas Jones who out of pure kindness spared me one whom his brother had tried for 8 months and not being able to manage him let me have him for £14 Sterling he could not have found such another villain in all America he first robbed me and at 3 weeks end ran away—I sent after him but cannot hear of him—This is the 4th white servant I've lost since I left England I was most abominably cheated with a Negro who died within ten days after I bought him—I've been very unfortunate in cows and horses my Salary spent in Bills the worst way of improving it; My attorney abuses me has suffered two Bills to come back protested and I fear will serve other two which I since drew upon him in like manner, so that I shall be very miserable, nothing coming in from the Country nor credit—

We had great plenty of corn wheat and Porke and hoped I should have had a little of each if I had not employed my hands in the service of an ungrateful people I might have had grains of all sorts. I prest the vestry to meet me and provide for me in time but could not prevail til the arrival of your honor's letter and then 'twas with great difficulty after six voyages and ten days spent myself and hands attending upon the Gentry: some were for allowing me nothing, others said it was too late, the people having disposed of all the provisions they could spare—They agreed upon an answer to your Honour and the Society 'tis ordered to be written over fair I guess by Christmas next twill be ready to send, I would have inserted their treatment of me it might perhaps have been encouragement for other to come from England, I do not suppose they'll let me see much less sign it—They do not allow me to sit in Vestry, at my first coming I prevailed with the Assembly to make an act for establishing the Church but was not consulted about it The former act offended the Society in reserving a Power to the Vestry to turn out and hire Ministers at pleasure.

I think this is of worse consequence for now they are at their liberty to allow any thing or nothing and accordingly the purpose to serve me—Co^{ll} Hyde engaged this Parish to pay me £45 for the time past to Christmas 1711 tis not much above half collected and of that I have received £11 odd shillings they promised me £60 per annum ever after but now will pay me nothing—a year hence we may have another Vestry and then the Sheriff must account for his mismanagement—If I have no goods from England this spring I know not what will become of me—M^r Rainsford acted very unfair; he would have forced me out of this

Parish, no other place would please him he offered to serve it gratis and told the people the Society did not expect the country should allow any thing, that doctrine was very edifying but in a short time he became as contemptable as he endeavoured to render me he is now in Virginia but will not be entertained. Reckoton and Nansimond rejected him I am told the Governor has threatened the latter to compel them to receive him.

I acquainted your honor in a former if I mistake not that the Library my Predecessor M^r Gordon should have brought in was left with M^r Wallace of Virginia he is dead and I fear the Books will be lost—I have desired an order more than once from the Society or M^r Gordon to demand them but have no answer from that or a thousand other things very material relating to my Mission; surely paper and ink must be dear in England The Vestry of Coratuck where M^r Adams late Missionary died detain his Books on pretence they were at some charge in fetching them out of Virginia and will appropriate them to that Parish where no Minister will scarce ever reside. The famous Library sent in by Dr. Brays directions is in a great measure destroyed I am told the books are all unbound and have served for some time for waste paper.

I humbly beg of your honor to order £20 Sterling to be laid out as follows and sent by the bearer and I'll send you my Bill upon the Treasurer viz. Sugar the best sort—Molasses and Rum of each a barrel, the best pale or slack dried Malt a hogshead with hops proportionable the three former are as precious here as gold of Arabia with them I can buy Provisions—I shall want 3 or 4 Sickles a gallon of the best sallet oil Nutmegs 2 ozs. Ginger 2 lbs. black pepper as much cinnamon cloves mace each 3 ozs. ink powder two papers and if money will hold out a barrel or two of cider will be very welcome—I should not have taken this liberty had I any acquaintance there I desired the Society to give me credit there or at Barbadoes £20 per annum but am neglected twould have done me great service—Many begin to doubt of your honor coming hither and more do not desire you may—if you do not here will be no abiding for me, I therefore crave I may be dismissed if your Honor cannot do it I entreat you to press the Society to do it—I find by virtue of an order made since I left England 'tis not prudent to remove without leave first obtained I beg pardon for my tedious long letter and your acceptance of the most humble respects of

Your Sir &c

JOHN URMSTONE

Missionary.

[COUNCIL JOURNAL.]

NORTH CAROLINA ss

Att a councill holden at y^e house of Capt Jno Hecklefield in Little River on ffryday the 28th day of May Ano Dom 1714

Present the Hon^{ble} Tho^s Pollock Presid^t &c^a

The Hon^{ble} $\left\{ \begin{array}{l} \text{Tho^s Boyd} \\ \text{N Chevin} \\ \text{Tob^s Knight} \end{array} \right\}$ Esq^r Lds prop^{trs} Dep^{tys}

The Hon^{ble} Charles Eden Esq^r Presented a Comission to this Board from his Excelley The most Noble Henry Duke of Beaufort Pallatine & the rest of the R^t Hon^{ble} & Hon^{ble} the Lds prop^{trs} of Carolina thereby appointing him Gov^r Cap^t Gen^{ll} & Adm^{ll} of this province which said Comission was read allowed and ordered to be recorded and the y^e said Charles Eden tooke and subscribed the several oaths by law appointed to be taken for his qualification together wth the Oath for y^e Due Observation of y^e Laws of Trade and Tooke his place at y^e Board as Gov^r accordingly—

Then the afs^d Council being continued there was present

The Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^{ll} & Adm^{ll} &c

The Hon^{bles} $\left\{ \begin{array}{l} \text{Thos Pollock} \\ \text{Tho^s Boyd} \\ \text{N Chevin} \\ \text{To Knight} \end{array} \right\}$ Esq^r Lds prop^{trs} Dep^{tys}

Then a Proclamation was Issued out & published for y^e Continuance of all Officers & Majestrates both Military and Civill and all process Depending untill the Gov^{rs} pleasure Should be farther Knowne thereon

Then this board adjourned till tomorrow morne

SATURDAY MORNE May 29th

This Board met according to adjournment there was present *ut Supra* together wth the Hon^{ble} Maj^r Christo Gale

Whereas report has been made to this board that y^e Hatteress Indyans have lately made their Escape from y^e Enemy Indyans and are now at Co^{ll} Boyds house

It is ordered By this Board that the afs^d Co^{ll} Boyd Doe supply the Said Indyans wth Corne for their Subsistance untill they can returne to their owne habitations againe and lay his Acco^t thereof before y^e next Assbly

fforasmuch as there is like to be a great Want of Corne in this Governm^t for y^e Supply of our fforces ag^t y^e Indyan Enemy

Wherefore It is ordered by this Board that y^e Severall Officers of y^e Customes within this Governm^t doe not from hence forward permit any Vessell now to be entered to take any Corne on board till farther Order from this Board And that they signify y^e same to y^e Masters of y^e Vessells at y^e tyme of their entry.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY.

NORTH CAROLINA June 12 1714

SIR

You say in yours of Dec^r 18 1713 which came to hand two days ago that mine to Mr Hodges dated Oct^r 22nd 1712 was at last communicated to the Board. I wonder what has become of divers older as well as fresher date of far greater moment. I gave bond for the books which M^r Gordon should have brought me but left with Rev^d M^r Wallace late Minister of Richetan on James River Virginia where greatest part of them still are. I did indeed after the decease of Mr Adams demand his books but was denied them and so will every one that is not musket proof—the Vestry pretend that they are appropriate to that Parish so that I believe neither Society nor their Missionarys will ever be the better for them, they'l do by them as the gentry of Bath have done with that famous Library the Rev^d Dr. Bray sent in here as of £100 value—make waste paper of their Books rather than the clergy should have them such is their esteem of our functions in all other respects were it in their power they would deprive us of food and raiment too—I and my pore family are brought to that pass: I brought £50 worth of Books with me, they are mostly destroyed in the way & through want of safe custody apparel & necessaries we had sufficient but now being forced to sell our bedding cloths off our backs & all the movables we could spare for a little provisions—we are destitute of goods & naked & instead of Books I've gotten a parsel of Tools fit for all trades set up for my Library which I am forced to make as much use of as I should do of Books had I leisure contempt enough without any fault of mine I call God and all good men to witness: but such is the fate of the greatest part of the Ministry,

thanks to the mismanagement of the reformation and the worldly mindedness of too many who have the good fortune to know the great Men and some by merit but more by indirect not to say unlawful ways have attained to great preferments yet the contempt brought upon us the inferior rank reaches unto them their pluralities of fat benefits does not screen them from partaking with us but they can better bear it—Nil habet in sese divirus Paupertas—

You say complaint has been made that some indiscreet & negligent actions have exposed me to the hatred and contempt of the people. it is no wonder for, 'twas so from my first setting my foot into this wretched hole 'tis well I have any discretion left since I am almost bereft of the little sense & reason I was once Master of, my sacred character is sufficient to draw hatred & contempt upon me from a pack of profligate & loose people & zealous sectarists whose whole endeavour it is to load me with reproaches—This colony chiefly consists of such our Vestries not excepted, however I procured after 7 months entreaty many long & tedious Journeys & voyages sometimes 3 or 4 days abroad with 3 servants divers appointments & as many disappointments I got I say 7 of our Vestrymen together at last who persuaded with much difficulty to draw up an account of the state of this Parish which had not been obtained did not they fear Col^l Nicholson would come in and be displeased with them at the request of the s^d Coll^l I communicated both this & that from the Society to all the Parishes within this Government but hear not of any thing done save in my Parish the great reason of our Vestrymen their unwillingness was fear of being obliged to do some thing for me it being then pay time & great plenty of all sorts of provisions yet pore was put by, neither the £45 ordered in Dec^r 1714 & then due nor any thing from the time since that could be obtained nor ever liked to be they were forward enough to magnify their poverty & beg further assistance of the Society but in very deed worthy of none—These Vestrymen you'll say, can be no better than enemies to me, nay two of them were professed anabaptists & 3 vehement Scotchmen Presbyterians one descended from Quakers & I believe never Baptized & still I suspect no friend of the Church yet these very men in their said account will take all such accusations alleged against me, tho' unjust in all other respects yet have done me that justice even before I know I was accused I cannot but lay it very much to heart that the Society to harken to the complaint of some idle person & so regardless of the repeated requests I've made for their assistance and directions in many difficult cases & the frequent dismal relations of my misery which increases daily upon me; I am now in

manifest danger of starving for want of bread & except am relieved as soon as the wheat is reaped I know not what to do: the sloops from N. England sweep all our Provisions away—We have twice as many vessels this year as ever were wont to come, there are above 7 now waiting like as many vultures waiting for our wheat & more daily expected, they sell their goods at exorbitant rates & thus we are rendered poor no marvel I suffer then for come what will out, let who will go unpaid, Rum long sweet'n alias Mollasses glyst^r Sugar must be had—I've nothing to buy any thing with but Bills: £20 in English goods would do me more good than any years salary in this way of managing but how to come at that now I know not since we are not allowed attornies—I had one as I supposed a Friend but the worst of Enemies, sent me but one remittance since I left England but never was worthy to know what nor of what value till the other day when in a huff by reason of my complaint of ill usage he has sent an account of all his management—I could not so much as hear from him; he charges me with the postage of a multitude of Letters—I never wrote to him but sent one inclosed to some of the Society but fear they were not all delivered he paid what Bills he listed & has sent others back protested which puts me to an unnecessary charge and endless shame and disgrace; for want of goods I've been forced to draw upon the Treasurer supposing my friend to be dead; he said he could not supply me by reason of my salary was not duly paid, once stopped because I had left my cure and again for drawing upon the Treasurer what must I do in such case: I've drawn more than my Salary will pay by Michaelmas next—my plantation must be paid for or I must turn out and whither to go I know not I have not a morsel of either Pork or Beef against Winter nothing to buy with nor can I draw hard fate. will nothing draw compassion? I was not sold a slave to Egypt nor yet deserved to be banished to the Gyaril. must I make brick without straw & my task be increased: I hope for Milder Task Masters—and after all my unparelled hardships & fatigues for 4 years together be still told that I am idle & negligent of my cure I challenge all the clergy in the Church to equalize what I have done & suffered for so long time together if I continue here I hope for better encouragement as if I fail therein & am forced to come home—care will be taken of

Sir &c

JN^o URMSTONE Misson^r

I shall comply with my duty & your instructions in my next Notitia Parochialis that I am preparing but have not now time to finish.—

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

M^r MILES GALE TO THE SECRETARY

Hon^d Sir,

Your letters received from his Excellency the present Gov^r Eden and my Eldest Son Chr. Gale. I sent for Son Tho: to come over and resolved either to go into the West Indies (as kindly invited both by the Governor and his Eldest Brother) or write his Excuse, he has chosen to do the latter. The work is of that nature, as I was no hindrance to his going & could wish to go myself (tho' now aged 67) rather than Heathenisme, or any other Schism from the Church of England should prevail, 3 of my Sons upon their own choice have gone to Carolina, where two of y^m are well married and one dead. I have made all the Enquiry in my power after some to go as Missionaries, they like the terms but dread y^t voyage and the heat of that climate. I heartily wish & hope Religion may be taken care for in that Heathenish Country, by those in whose power it is—desiring my Service may be acceptable to y^r Hon^{ble} Soc^y praying for all your healths and happiness I conclude Worthy Sir

Yours &c.

MILES GALE—RECT^r
de Wighlev.

M^r MOSELEY TO GEN^l NICHOLSON

CHOWAN, N. CAROLINA 15th July 1714.

The laudable designs you have constantly persued of advancing the Interest of the Church in America among other matters of your great intentions for promoting that Service led you to bestowe of your own generosity the Sum of Thirty pounds to be distributed in three of the precincts of North Carolina which you lodged in the hands of M^r Walker my predecessor at my intermarriage with his Widow I found the money had not been applied by reason of his Death soon after your gift tho' he had taken care to have it mentioned in the Vestry book of this precinct that the part belonging to it, viz. Ten pounds should be laid out for a piece of plate for the communion Service, mentioning the Donors gift and I perswaded myself the like care was taken by him in the other two precincts Poquimans and Pasquotank tho' I cannot learn there is anything appears on their Books.

I have paid Pasquotanck precinct who have misapplied the money contrary to your Excellency's intentions by parting with it to satisfy, such Engagements as the produce of our Country would have been sufficient for, viz^t Some debts and howe to raise so much plate at present they knowe not what measure to take.

The same steps were begun by the Pequimans, and I fear the Chowan Money, but I lodged it in M^r Pere Dummers hands of Boston towards procuring Church plate where at present I find it lyes to wait Y^r Excellency's further orders altho' they have constrained me to give orders for the removeale of the money without any apparent intentions of applying it to the uses you so generously proposed. For those reasons I have presumed to trouble your Excellency with these few lines to request you to give your orders to M^r Dummer to send it to the precincts of Chowan and Pequimans in such plate as you shall please for the service of the church as you designed it he has my letters accompanying this to observe your orders for that purpose which if you do not or order I can hardly think the Church will be the better for so pious and charitable a gift. Begging your Excellency's pardon for the trouble I give you in perusing this Scrawl and leave to present Your Excellency my hearty Sincere thanks for the favours you are pleased to show me when in Company Quarry I waited on Your Excellency in your Government of Virginia I crave leave to subscribe myself &c

EDWARD MOSELEY

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 169.—EXTRACT.]

COL SPOTSWOOD TO LDS OF TRADE

July the 20th 1714

My Lords

Your Lordships will recieve together with the Duplicate of the Laws and Journals of the last Assembly the proceedings of the Council and proclamations since my last letter upon which I shall only give your Lord^{ps} the trouble of one Remark that finding the Government of Carolina continue to make surveys within and even beyond the contraverted bounds and that on their encouragement great numbers of loose and disorderly people daily flocked thither who would be restrained by no orders from trading with the Indians I proposed to that Government

the running both the lines in dispute, and removing all persons that had settled between those Boundary as being seated there without any lawfull authority: and because it would be most convenient that each Government should be at the expense of running that Line next to its own Inhabitants, I undertook the running that Boundary next to Virginia which the Proprietors claimed, at the charge of this Government provided they would be at the charge of running the other claimed by Her Majesty: but tho (in pursuance of the resolution of the Council in that matter the 30th of March last) I have already performed my part the President of Carolina alledging for his excuse the expectation of a new Governor did not think fitt to take any measure for performing them I have since seen M^r Eden who is appointed Governor of that Province and find that he has no manner of Instruction from the Proprietors concerning the Boundaries: and as to the Proposal of marking out the Southern Boundary he has delayed giving me an Answer until upon consulting with his council he shall inform himself of the nature of that dispute If he should likewise refuse, I have determined to run that line also as soon as the woods are practicable and then to remove all the People seated within those contraverted bound which will be the most effectual way to bring that dispute to a speedy determination, it being now the Interest of that Government to delay it since by disposing of the land and receiving the Quitrents they reap the same advantage, as if it were actually adjudged to be their property and so unfair hath M^r Moseley and the other Surveyors of that Province been that tho they pretend no further than a West line from the mouth of Nottoway River, yet upon making out that Line I find severall people seated even to the Northward of it who had their Lands by Carolina Patents

* * * * *

My Lords

Your Lordp^s

Most Dutifull and

Most Obedient

Humble Servant

A SPOTSWOOD.

[B. P. R. O. PLANT. GEN. B. T. VOL. IX. K. 35.]

REPORT OF THE ATTORNEY GENERAL TO LORDS OF TRADE.

22 July 1714.

To the Right Hon^{ble} the Lords Com^{rs} of Trade & Plantations
May it please your Lordships

In obedience to you Lord^{rs} Com^{ands} signified to me by Mr Popple I have considered of the several papers transmitted to me & herewith returned And your Lordships having demanded my opinion to your returning an Answer to the Order of the Lords of the Com^{tee} of the Council dated the 5th day of June last whereby your Lordships were desired to examine & inform yourselves how and by what Grants or Authorities the Plantations in America do claim the liberty & power of making Temporary Laws to continue in force for so short a time whereby her Maj. prerogative of approving or disapproving such Laws is evaded and to propose to that Committee what methods you shall judge most proper to be taken in order to the setting aside those practices so prejudicial to her Maj. interest and the trade of her subjects And I do most humbly certify your Lordships That as to such Laws which are made in Her Maj. Plantations not granted in property to any Subject, the mischief complained of may be prevented by her Maties Instructions to her Governors thereof And there is already among the Instructions a copy whereof was sent me a full Instruction for that purpose And therefore all that I conceive necessary to be further done as to them is to require a due observance of that Instruction by her Maties Governors.

As to Laws to be made in the Proprietary Plantations I am of opinion that mischief cannot be remedied there but by Act of Parliament of Great Britain, for that the Proprietors thereof have a right vested in them of the power of making Laws granted by their charters and are not nor can now be put under any other restraint or regulation than such as are contained in their respective charters but by Act of Parliament.

All which is humbly submitted to Yo^r Lord^{rs} great wisdom

EDW. NORTHEY

July 22. 1714

[FROM N. C. LETTER BOOK OF S. P. G.]

COLL: POLLOCK TO GENL NICHOLSON.

CHOWAN, Aug^t 3rd 1714

May it please your Excellency

I received yours by Cap^t Dunning with her Majesties speech to this parliament for which return you my humble thanks Gov^r Eden arrived here last May all being in peace and quietness only one or two small parties of Enemy Indians that continue to do mischief on our Frontiers Col^l Carey is gone for the West India's but intends to return again this fall.

The Church Wardens and Vestry of the precinct of Chowan desired me to send the two enclosed to Your Excellency and indeed we have very great want not only of Schoolmasters but also of Ministers, for Albeit Dr. Urnstone hath continued among us ever since his arrival he hath had little encouragement yet Dr. Rainsford hath been very little time in this Country only about two or three months, about the time I rec^d your first letters but hath continued all in Virginia so that he deserves nothing of the Society, that wished for success may attend all your noble and glorious undertakings shall be earnestly desired.

Your Excellency's most h^{ble} Serv^t

TH^o POLLOCK.

[FROM POLLOCK'S LETTER BOOK.]

by Mr Glover

AUGUST 3^d 1714

May it please your Excellency

Yours by Capt. Dunning recieved, with her Majesty's speech to this Parliament, for which return you my humble and hearty thanks. Governor Eden arrived here last May, all being in peace and quietness, only one or two small parties of enemy Indians, that continue to do mischief on our frontiers. Col. Cary is gone for the West Indies but intends again this fall.

The Church wardens and vestry for the precinct of Choan desired me to send the two inclosed letters to your Excellency. And indeed we have very great want not only of school masters but also of ministers. For albeit Doctor Urnstone hath continued amongst us ever since his arrival, albeit he hath little encouragement from the people, yet Doctor

Rainsford hath been very little time in this country only about two or three months about the time I recieved your first letters, but hath continued all along in Verginia; so that he deserves nothing of the society.

That wished for success may attend all your noble and glorious undertakings shall be earnestly desired by

[FROM N. C. LETTER BOOK OF S. P. G.]

MR URMSTONE TO THE SECRETARY.

NORTH CAROLINA, Aug. 7th 1714

Sir

During the last half year the State of Religion is much the same changes for the better are not easily brought about the people are daily more unkind—I've baptized 59 whereof two were adults—We have not had the Lords supper administered in public during that time I have some hopes of better things in many respects thro' the endeavours of an honest Gentleman our nowe Governor he seems resolved to promote the Church discipline being a strict observer thereof himself. He must expect to meet with many difficulties some insuperable—I wish a letter were sent to him, it would be of . . . use—he purposes to redress many of my grievances which will render life more comfortable I am sorry we are not like to see Co^{ll} Nicholson here—if a Bill for £14 payable to Tho^s Jones of Virginia be unpaid I pray it may never be paid thro' the perfidious dealing of my agent at London I worse than I thought for, in want of many things but must not draw if my Salary had been duly paid and invested in goods I had been one of the richest in this famous Colony whereas I am nowe the poorest—£30 in goods would have done me more good than thrice that has, being forced to give 4 or 5 hundred ^{per} cent for all what I give Bills for I have not received the Catch^{ms} sent by Mr Rainsford—He never disposed of gift Books valued £5—He made more by his voyage & years Salary than I've done these 5 years and never did anything for it—a handful of Indians who would not come into the treaty with the rest have spilt more innocent blood than all the rest & we cannot cause our men to go against them nor willingly pay those that will, they rove from place to place cut of 2 or 3 Families today & within 2 or 3 days do the like a hundred miles off from the former they are like deer—there is no finding them. We have men out after them to sue for peace—I am Sir &c

JOHN URMSTONE

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a Councill holden at y^e house of Maj^r Jno Hecklefield in Little River on 10th day of Aug^t 1714

Present the Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l & Adm^l &c

The Hon ^{bles}	{	Tho ^s Pollock	}	Esq ^{rs} Ld ^s prop ^{trs} Dep ^{ty}
		Tho ^s Boyd		
		N Chevin		
		W ^m Reed		
		C Gale		

ffrancis ffoster Esq^r presented to this Board a Deplaçon from y^e Hon^{ble} Jno Danson Esq^r one of y^e true and absolute Ld^s prop^{trs} of this province thereby appointing him to be his Deputy which was read approved of and ordered to be reccorded.

And then y^e Said ffr ffoster tooke and subscribed the severall Oathes appointed to be taken for his quallification and then tooke his place at y^e board accordingly—

Then this board adjourned untill to morrow morne 9 of the Clock.—

Aug^t 11th this board met againe p^rsent *ut Supra*

Upon motion to this Board by M^r Henry Clayton setting forth that M^r Jacob Peterson late of this Governm^t was possessed of a tract of Land at y^e Sandy banks which at his Decease he bequeathed to Mary his then wife who since intermarried wth one James Coles—late of this province Dec^d who in his life tyme Survey^d y^e same Land in his own name. And pray's that she y^e s^d Mary Coles since intermarried wth y^e Said Henry Clayton) may have a Pattent for y^e Same Land in her owne name. And Thos Harvey who is a Legatee of Halfe y^e Lands of y^e said James Coles appeared and say's that one halfe of y^e said Lands belong's to him as part of y^e Said James Coles Lands and y^e mater being debated & heard on both sides It is y^e oppinion of this board that y^e right of y^e s^d Land was in y^e Said James Coles and that it ought to be disposed off pursuant to his will—

Upon the Petition of Cap^t Nich^o Crisp Setting forth y^t about Six or Seven years ago he tooke up and Survey^d Six hundred & Twenty acres of Land on Morratock river a Place Called Skanwankee and hath duely p^d y^e Quit rents for y^e Same as well as y^e purchase money to y^e Lords prop^r receiver Gen^l as by y^e same Survey & rec^t may appeare. And far-

ther that upon his making applycation for a pattent for y^e same Land he is advertised that an ord^r is pass'd in y^e Councill (long since his taken up y^e s^d Land) that y^e same is reserved for hunting Quarters for some of y^e Tuskurora Indiyans which ord^r he Conceives is not well grounded in as much as he who has right to y^e Said Land was not Called to make his Title thereto. And he is further advised that y^e said Order is passed Since y^e Tusks Articled wth y^e Govern^t to be Confined and bounded between y^e two rivers of Pamplicough and Nuse. And that if y^e Indiyans should be permitted to have hunting Quarters on y^e Said River of Morattock it will very much prejudice y^e settleing that river w^{ch} is Capable of Seating Some hundreds of families. And he farther Showeth that notwithstanding his right is so apparant to s^d Land he has always been ready to make some reasonable Compliance to such Indyan or Indiyans as should lay any pretenses to y^e s^d Land and which he is still ready to doe therefore prays that he may have a pattent passed for y^e s^d Land according to his purchase &c And y^e matter being Considered & it appearing to this board that y^e said Crisp has actually p^d y^e purchase money for y^e Same Land.

It is ordered that soe soone as y^e said Crisp shall have agreed wth y^e said Indiyans or that y^e said Land shall by any other means be freed from y^e Indiyans title the s^d Crisp shall have a pattent for y^e same And that in y^e mean tyme his Title be and shall be preferable to any other title of any Englishman

Upon Petition of Mary Relfe widd Setting forth that her deed husband did in his life time by orde^r of this board Survey and lay out for y^e Yawpun Indiyans Ten thousand two hundred & forty acres of Land and pray's that y^e Said Indiyans may be ordered to pay her for y^e Same amounting to Eleven pounds Eighteen Shills. And y^e Said Indiyans appeareing Confessed that they were to pay one halfe of y^e Charge and noe more.

Whereupon it is Ordered that y^e Said Indiyans doe pay unto y^e Said Mary Relfe y^e Sum of five pound nineteen shills being the one halfe of y^e Charges as afs^d

Upon Petition of Jno Hoyter on behalfe of himselfe and the rest of y^e Chowan Indiyans therein setting forth that y^e Said Indiyans had granted to them in the Administration of Gov^r Archdale for their settlem^t a tract of Land on y^e Eastern side of Bennets Creek including Meherins Neck of Twelve Miles Square which not being laid out according to y^e directions of y^e Order of Councill they aply'd themselves to y^e Hon^{ble} President Glover & y^e Councill then being to have y^e same laid out upon w^{ch} it was

ordered that a tract of six miles square within those bound should be laid out for their setlem^t w^{ch} yet hath not been done and further that most of y^e said Indvans have been upon Eight Expiditions ag^t the Indyan Enemy of this province and during the time they were in y^e Countys Service they Suffered Considerable loss in their plantations & Stocks loosing Seaventy five head of hoggs a Mare & Colt their Corne destroy'd by horses & Cattle their fences burnt & fruit trees destroyed by all w^{ch} & y^e wearing out of their clothes they are reduced to very great pov^{er}ty and pray's that their Land may be laid out according to y^e intent of y^e Grant and that they may have some allowance made for their services & Losses, &c and this board haveing Considered the whole matter

It is ordered that Co^{ll} W^m Maule doe Examine in the former Survey Made by Co^{ll} Moseley and Doe see whether y^e same be made pursuant to former order of y^e Councill & Whether it Conteyns y^e Quantity & Make report thereof to this Board.

Upon Petition of Mr Jno Lillington that about four years Since by virtue of a commission from Edw^d Moseley Esq^r the then Survey^r Gen^{ll} he made divers surveys in y^e County of Bath but had not made returnes thereof into y^e Sec^{rys} Office by reason he intended to make returne of those wth some others ag^t y^e next Octo^r Gen^{ll} Court. And it hapning afterwards that y^e Indvans burnt his house where his papers were by which he is incapable of returning those survey's therefore prays that he may have Leave to resurvey & returne those Survey's he had then made &c And y^e matter being duely Considered by this Board.

It is hereby ordered that y^e Said John Lillington have power and authority to resurvey Such Lands as he has already survey'd & make returne of y^e Same to y^e Sec^{rys} Office and that he be then Impowered to demand & receive his usuall ffees for y^e Same—

It is ordered by this Board that Cap^t W^m Vaughan be sent down to Sandy banks wth nine White men more und^r his Comand to wait y^e Comeing Pagett and y^e rest of y^e Indvans in order to Consert Measures for agen^{ll} peace pursuant to their former promises and that Twenty bush^{ls} Indyan Corne be sent down wth him for their support as also for y^e support of y^e people already there and that Cap^t Vaughan doe take down wth him fisher y^e Indyan from y^e Poteskey^t Toun

Complaint being made to this Board by W^m Bell Treasurer of the Precinct of Corratuck that Samu^{el} Ballanne W^m Ballanne Robert Smyth Andrew M^cfurson Dan^{ll} M^cfurson all of y^e afs^d precinct of Corratuck have and still doth utterly refuse to pay unto y^e Said Treasurer their publick Levy's and other publick dues or to pay any obedience to this Governm^t

Wherefore it is hereby ordered that y^e provost Marshⁿ of y^e County of Albemarle or his Deputy doe take them y^e Said Samⁿ Ballaine W^m Ballaine Rob^t Smyth Andrew M^cfurson & Danⁿ M^cfurson into his Custody and them hold till they give good Security to appeare at y^e next Genⁿ Court to Answer y^e s^d Contempt

It appeareing to this Board that Coⁿ Edw^d Moseley hath in his Custody divers depositions by him taken on behalfe and by order of this Governm^t and other papers relateing to y^e boundrys between us and Verg^a being formerly one of y^e Comissioners on behalfe of y^e Lords prop^{trs} for Setleing and Assertaineing the Said Boundary's and also that he y^e Said Moseley never yett delivered to this Governm^t any Coppy's of his Journalls & proceedings in Discharge of that Commission

Wherefore it is ordered by this board that y^e Said Coⁿ Edw^d Moseley doe forthwth deliver to y^e Hon^{ble} Charles Eden Esq^r Gov^r &c all such papers and depositions as he hath relateing to y^e Said boundrys as afs^d and also true copy of his Said Journ^{ls} & proceedings in y^e Executions of y^e afs^d Comission that a true state of y^e mater may be knowne & this board be enabled to lay a true acc^t thereof before y^e Lds prop^{trs}

[B. P. R. O. PROPRIETIES. B. T. VOL. 30. P. 418.]

REPORT TO THE L^{ds} OF THE COMMITTEE OF APPEALS
FROM THE PLANTATIONS, IN RELATION TO TEM-
PORARY LAWS PASSED THERE. SEP^t 2nd 1714

To the Right Hon^{ble} the Lords of the Committee for Hearing Appeals
from the Plantations.

May it please your Lordships

In obedience to your Lordships Order of Reference, of the 5th of June last, directing Us to examine & inform Ourselves, by the best means We can, how and by what Grants or Authoritys the Plantations in America do claim the Liberty and Power of making temporary Laws for so short a time that the Prerogative of the Crown for approving or disapproving such Laws is evaded; and to propose to your Lordships what Methods We may think proper for setting aside those Practises; We have considered the same, and also had the Opinion of his Majestys Attorney Gen^l therein, Whereupon We humbly take leave to represent to your Lordships,

As to the Laws to be made in the Proprietary Governments, We are humbly of Opinion that Mischief cannot be remedied there, but by an Act of Parliament of Great Britain For that the Proprietors thereof have a Right vested in them, of the power of making Laws granted by their Charters and are not, nor can now be put under any other Restraint or Regulation than such as are contained in their respective Charters, But by an Act of Parliament.

As to Pennsylvania, We are informed, Directions were given for perfecting the Agreement with M^r Pen, and for preparing an Act of Parliament, to supply his incapacity, and to alter the Method complain'd of as to temporary Laws; and the time limited for transmitting and approving Laws made there; But during the last session of Parliament, a Bill for that purpose could not be settled in regard of some Differences between the Mortgagees and the Family of M^r Penn.

We humbly take leave to represent that there is not any obligation by Charter to return the Laws made in the Proprietary Governments of Carolina, Connecticut and Rhode Island for the Approbation of the Crown, and therefore We think it necessary that an Act of Parliament be pass'd to oblige them to transmit their Laws and to have them submitted to his Majesty's approbation

All which is most humbly submitted

Whitehall

Sept^r 2nd 1714

GUILFORD

PH. MEADOWS

ARTH. MOORE

JN^o SHARP

SAMⁱ PYTTS.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA Sep^t 22nd 1714

Sir

Since my last my hopes are blasted: We were then going to have an Assembly from whom thro' the Governors assistance I expected some redress of the many grievances I've formerly laid before the Society the loss of Bath county if not the whole Government is threatened, to prevent which our honest Governor was wholly bent but after near a fortnights time spent to no purpose he was forced to send them home—We

daily hear of families cut off & destroyed 'tis difficult to raise men to secure the frontiers but more difficult to find provisions to subsist them, the Northern Indians Senecas I think they call them, are designed speedily to join our Enemies which if true will complete the ruin of this wretched Country—Our confederate Indians seeing we are not able to vanquish such a handful daily desert us to join them & by the unwillingness of the rest to go out with us against them according to capitulations we may too justly fear they'l break peace with us & having experienced the cowardice of our Quakers & there adherents who like other sectarists never care to fight except it be against the Church & Crown the Indians will not dally nor trifle with us as they did at first.

We expect to hear that famous city of Bath consisting of 9 houses or rather cottages once stiled the Metropolis & seat of Government will be totally deserted & yet I cannot find means to secure that admirable collection of Books sent in by the Rev^d D^r Bray for the use of the Ministry of this Province but it will in all probability serve for a Bonfire to the Indians—these Indians who do us all this mischief were at first but a handful about 30 in number the remains of 3 small nations who were cut off & taken by the forces from South Carolina who meeting with little or no opposition increased daily so that now we are forced to sue to them for peace but fear we shall not obtain it—These are from

Sir &c

JNO URMSTONE Mission^{ry}

[FROM POLLOCK'S LETTER BOOK.]

NORTH CAROLINA October 20th 1714

May it please your Lordships

— had no particular comands nor instructions from the [Lords Propriet]ors Board save that by General Nicholson. now no answer [fro]m the Board nor your Lordship of my letters gives me occasion to doubt that my letters miscarried and came not to hand. Wherefore thought it my duty, to justify myself not to be guilty of so great a neglect. Governor Hyde deceased Sept 8th 1712, and I entered on the administration Sept 12th; since which time have sent two to your Lordship in each of which enclosed a letter to his Excellency the Palatine and rest of the Lords Proprietors, under a flying seal for your Lordship to

peruse. My first letter to you dated Sept 20th 1712 (a copy whereof is enclosed) I delivered myself to Baron Graffenreid, who was then [goin]g to Verginia; and he told me that the Governor of Verginia took care — his letters to London with his own packets, and that there was no — they would come safe to your Lordships hands. — second letters, dated April 2^d 1713 immediately after the taking great Indian Fort I sent into Verginia, and know they came to Baron Graffenreid who was then in Verginia I would have sent [your Lord]ship copies of all, but the state of affairs being much altered, and they being long, thought it not worth while to trouble your [Lordshi]p with them. What reason Baron Graffenreid to conceal [or] keep up my letters, I know not. I took him for a man of honour and integrity, but have found the contrary to my great loss.

The land I mentioned in my other enclosed to your Lordship, I reserved [and k]ept clear from being taken up by any other person so long as I had the power, expecting to have heard from your Lordship. But now the power being taken out of my hands, and a new General surveyor appointed, I know not how it may be. I have not been wanting, neither in person nor estate, to the uttermost of my power for the safety of Her Majesty's subjects here, and defence of this your Lordships country; which, it hath pleased God hath not been unsuccessful, the fire of difference and division amongst the people being in a manner extinguished, most of our Indian enemies killed, taken, submitted or fled, so that there is but about forty or fifty enemies left that we can here of. The Quakers, though very refractory and ungovernable in Mr Glovers and Governor Hydes administration, yet since I have concerned, must needs acknowledge they have been as ready (especially in supplying provision for the forces) as any others in the Government. If your Lordship think convenient to procure the Surveyor General's place for my son, I shall take it as an extraordinary favor; and if any ways I can be serviceable to your Lordship here, you shall need but to command who most sincerely is

Your Lordship's

Most obedient

Humble Serv^t

[COUNCIL JOURNAL.]

NORTH CAROLINA

Att a Councill holden at y^e house of Maj^r John Hecklefield in Little River on Saturday 6th of Novem^r 1714—

Present the Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l and Adm^l &c

The Hon ^{bles}	{	Tho ^s Boyd	}	Esq ^r Lds prop ^{trs} Dep ^{tys}
		Nath Chevin		
		C Gale		
		ffra ffoster		

This Board this day haveing rec^d Certain advice from the Governm^t of Verg^a of the Decease of her late Majesty Queen Anne of Blessed Memory did thereupon Issue out a proclamation proclaiming his Matys King George King of Great Brittainne ffraunce & Ireland in following words (vizt)

By the Hon^{ble} the Gov^r and Councill

A PROCLAMATION

Whereas Wee have rec^d Certaine Information of the death of our late Sovereigne Lady Queen Anne of Blessed Memory by whose decease the Imperial Crownes of Greate Brittainne ffraunce & Ireland are Solely and Rightfully Come to the High and mighty Prince George Elector of Brunswick Lunenburg—

Wee therefore doe by this our proclamation with one full voice & Consent of Tongue and Heart Publish and proclaime that the High and mighty Prince George Elector of Brunswick Lunenburg is now by the Death of our late sovereigne of happy memory become our Lawfull and rightfull Leige Lord George by the grace of God King of Great Brittainne ffraunce and Ireland Defend^r of the faith &c To whome wee doe acknowledge all faith and Constant Obedience wth all hearty and humble affection Beseeching God by whome Kings and Queens doe Raigⁿ to bless the Royall King George wth long and happy Years to raigⁿ over us. Given &c the 6th day of Nov^r 1714.

And then the Hon^{ble} the Gov^r & Councill above named tooke and Subscribed the Oathes of allegiance to his Majtys King George and the Severall Oathes appointed to be taken for their Quallification and the Hon^{ble} the Gov^r at the same time tooke the Oathes for the due observation of the Laws of Trade.

Then Tobias Knight Sec^{ty} and Collect^r of his Majtyes Customes of the district of Corratuck tooke and subscribed the severall Oathes by Law appointed to be taken for quallification.

Upon petition of the poore pallitines Showing that they were disappointed of the Lands Stock and other necessary which was to be provided for them and that they are reduced to great want and poverty by the late war and preys that they may have Liberty to take up four hundred Acres of Land for each family at the rate of Ten pounds p^{r} thousand acres and that they may have two years day of paym^t for y^e same.

Ordered that they have Liberty to take up y^e Said Quantities of Lands And that their Case be represented home to y^e prop^{rs} as well in relation to y^e purchase as to y^e time of paym^t and that till their ans^wr be received their Lands shall not lapse for None paym^t thereof

[COUNCIL JOURNAL.]

NORTH CAROLINA

Att a councill holden at the house of the hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l & Adm^l

ffryday 17 Dec 1714

Present Charles Eden Gov^r &c

The Hon^{ble} $\left\{ \begin{array}{l} \text{Nath Chevin} \\ \text{C Gale} \\ \text{ffra ffoster} \end{array} \right\}$ Esq^r L^{ds} prop^{rs} Dep^{ts}

The Hon^{ble} the Gov^r haveing reported to this Board that Co^{ll} Tho^s Boyd who was deputy to the R^t Hon^{ble} the L^d Craven has resigned his Deputa^{co}n and that he has appointed Tobias Knight Esq^r to be Deputy to the Said L^d Craven in the roome and stead of the said Tho^s Boyd untill his Ld^{sh}p^s pleasure shall be further knowne.—

Which being approved on by this Board the said Tobias Knight tooke and subscribed the severall Oathes by Law appointed to be taken for his quallification and then tooke his place at y^e board accordingly.

The hon^{ble} the Gov^r haveing laid before this Board a Petition from divers of the Inhabitants of the precinets of Beaufort and Hyde to him directed thereby praying that y^e persons appointed to keep Garrison at y^e house where M^r Reeding did Live might be ordered to keep y^e said Garrison y^e house where James McCoy lately lived as being most proper for y^e Defence of y^e Inhabitants ag^t the Enemy and the board haveing Considered thereof. It is their humble request that y^e Hon^{ble} the Gov^r will be pleased to give out his orders to the officers of that Garrison to detach such a number of the White men and Indiyans as he shall think fitt to keep y^e said Garrison at McCoy's and that he will order the remainder to keep & support y^e Said Garrison at Reading's

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA SS

at a Gen^l Court held for y^e province afs^d at the house of Cap^t Jn^o Hecklefields in Little River the last Tuesday in March Anno Domini 1714

Present

The Hon^{ble} John: Pettiver } Esq^{rs} Justices.
 Antho: Hatch }

The Court is adjourned Till to Morrow: Morning Ten of y^e Clocke
 Wednesday Ten of y^e Clock the Court meett

P^rsent: Cap^t Jn^o Pettiver } Esq^{rs} Justices
 Thomas Miller }
 Antho Hatch }

The Court is adjourned till Monday next being the 5th of Apprill
 Monday the Court Mett accordingly

P^rsent: John Pettiver } Esq^{rs} Justices
 Antho Hatch }

The Court is adjourned till y^e Morrow Ten of y^e Clocke
 Tuseday Ten of y^e Clocke the Court Meett & Satt

p^rsent The Hon^{ble} Cap^t Rich^d Sanderson } Esq^{rs} Justices
 Cap^t Jn^o Pettiver }
 Thomas Miller }
 Antho Hatch }

Cap^t Rich^d Sanderson: Esq^r one of the Justices for the body of this
 Govern^t Tooke & Subscribed the Severall oathes by Law appointed
 together wth y^e oath of a Justice and Took his place at y^e board

Richard Booth of y^e p^recinct of Chowan Came into Court by Edw^d
 Moseley his attor wthout writte by Edward Mosely his attor: and confest
 Judgm^t to The Hon^{ble} Tho^s Pollock Esq^r for y^e Sume of: 18£ 12^s 4^d wth
 Costs

Ordered that the Said Rich^d Booth: pay unto The Hon^{ble} Tho^s Pol-
 lock Esq^r the Said Sume of 18£ 12^s 4^d wth Cost according to specialty
 alias Ex^{con}

Cap^t Rich^d Sanderson acknowledged a Convayance of 400: acres of
 Land Lying in Little River to Tho^s Robison

Ordered to be Registered

Joseph Peggs: Came into Court & proved an acco^t upon oath ag^t the
 Estate of Tho^s Snoden Deēd: for y^e Sume of 2£ 7^s 0^d

A Will of Richard Devenports Deēd was proved in Court by the
 oath of Cap^t John Pettiver who likewise Swore he Saw Joseph Green:
 Signe the Same as an Evidente thereunto

It is Ordered that all persons bound over by Recognizence to this Court be and are hereby continued to the Court in Course and all Juryes Impaired are thereupon Dismist from further attendance at this Court

Co^{ll} Tho^s Boyd Esq^r Comes to pr^os his Suite ag^t Tho^s Collings in a plea of Debt and Saith the he y^e Said Thomas Doth owe & Stand Justly Indebted to y^e p^lt y^e full Sume or quantity of 20 bush^{ll} of Indian Corne ¶ Warr The Def^t was Called and Came not Whereupon y^e p^lt afs^d pray'd an ord^r ag^t the Marshall

Ordered that y^e Marshall of Albermarle County have the body of y^e Said Thomas Collings at the next Gen^{ll} Court alias Judgment ag^t the Marshall

and the Marshall prayed an attachm^t ag^t the Estate of y^e Def^t w^{ch} was Granted

A power of attor: from Mary Spellman to Augustine Scarbrough was proved in Court by the oath of M^r Tho^s passingham by vertue of w^{ch} Said power the Said Augustine Scarbrough acknowledged a Conveyance of 300 acres of land more or less lyeing the fork of y^e Creek: known by the Name of Lakares Creek unto Robert Harman

Ordered that y^e Said Conveyance together wth the Said Power of attorney be Recorded

M^r Will^m Vaughan Came into Court & proved an acco^t upon oath: ag^t the Estate of M^r Tho^s Snoden De^{cd} for y^e Sume of 3; 15; 9—

And now here at this Court Came Will^m Lewis and moved that the Marsh^{ll} would bring forthe body of Co^{ll} Will^m Brice according to ord^r of y^e last Court wherein haveing failed the p^lt moved that Judgment might be Confirm'd ag^t the Said Marshall according to y^e afs^d order

Ordered that y^e Marshall of y^e County of Bath: pay unto Will^m Lewis the Sume of £14: with Costs according to Specially alias Ex^{con}

upon motion of Richard Smith by Dan^l Richardson his attorney Shewing that being arrested on y^e Court Day: Contrary to the Law of this Land by one Lewis Conner of virg^a wherefore prayes the benefitt of an act Intitled (an act) arrests prohibitted on Certaine Dayes) w^{ch} act being read and argued: on both sides: and thoroughly Considered by the Court here it is oppinion of this Court that the Said arrest is Insufficient & Invalled and thereupon it is

Ordered that the Said Richard Smith be Discharged from the said arrest

Goodlatt Ex^{trix} ag^t
Nickollson in Ejectm^t
of Lands & Tenem^{ts}
in y^e p^recinct of
Pequimons in y^e
County of Albermarle

} and the Said Def^t by Edw^d
Bonwicke his attor Comes and
for plea Saith Non Cull: and
thereupon it is ordered the
Marshall: that he Cause to
Come at the next Court in

Course Twelve &c whome &c: by whome &c: who Neither &c:

Charles worth Glover by Edw^d Moseley his attor: Comes to prōs his Suite ag^t Eman^l Cleave late provost Marshall of y^e County of Bath in a plea of Trespass upon the Case and Declar as ꝑ Warr: and the Def^t by Daniel Richardson his attōr Comes & Saith That y^e p^{lts} accon afs^d ought to abate for the Insufficiency & uncertainty of y^e Decla filed ag^t this Def^t by the p^{lt} w^{ch} being argued & Considered by the Court here it is their oppinion that the Said accon ought to abate and it Doth hereby abate

James Minge Excuto ^r &c of Mathias	} and the Said
Giles ag ^t Ralph ffletcher & Jane Morgan	
Ex ^{rs} of James Morgan Deced in Case	

Moseley there attorney Comes and Saith the accon afs^d ought to abate because no profite Con Curia in the p^{lt} Decla is Mentioned

Ordered that the writte abate

James Minge: Ex ^r &c:	} and the Said Def ^t by Edw ^d
of Mathias Giles ag ^t	
W ^m Lacy in Case	

p^{lts} accon afs^d ought to abate

because no pro: fite Curia in the Decla is mentioned

Ordered that The writte Doe abate

Tho ^s Johnson assigne of	} and The Said Def ^t
Moses Reynaud Ex ^r &c	
of Benja: Reynaud	
Deced ag ^t John Mixon	
in Debt	} The accon afs ^d
	} ought to abate by

reason no pro fite Con Curia in the p^{lt} Decla is mentioned

Ordered that The accon Doe abate

And: then the Court adjourned to The Court in Course

RICH^d SANDERSON
ANTHO: HATCH

1715.

[FROM THE VESTRY BOOK OF ST. PAUL'S PARISH, CHOWAN PRECINCT.]

At a Vestry met at the Church on the North Shore of the Sound in Chowan Jan^{ry} y^e 3^d 171⁴

It was then ordered.

Imprimis that in the place of M^r Tho^s Peterson deced the Hono^{ble} Charles Eden Esq^r Gov^r &c. be and is hereby chosen Vestry Man and in

the Absence of M^r Tho^s Lee Coll Edward Moseley hereby is chosen Vestryman.

Item Upon M^r David Henderson's declaring himself a Dissenter from the Church. and that it is Contrary to his Conscience to act as a Vestryman. He the said David Henderson is hereby dismissed from being a Vestryman in his place M^r John Hardy be and is hereby chosen a Vestryman.

Item that at the Request of M^r Edward. Smithwick to be dismissed by Reason of his Age and Infirmary. He be and is hereby dismissed from being a Vestryman and in his place Cap^t Henry Bonner be and is hereby Chosen one of the Vestry.

Item that M^r Hardy do attend, and lay before the next Vestry his account of the Collection made by him for the Use of the parish by Order of M^r Tho^s Peterson deceed and M^r Tho^s Lee. the then Church Wardens.

Item that Co^{ll} Moseley be allowed and paid by the present Church Wardens three pounds for and in Consideration of the Loss Sustained in plank which he provided for the Use of the Church.

Item it is resolved by the Vestry now present. that the next Assembly be petitioned by Co^{ll} Moseley on behalf of the Vestry to divide this parish and make two parishes of it.

Item ordered that Cap^t Nich^l Crisp be desired to demand of the widow Peterson and all others who have any part or parcel of the Weights and Scales. and Measures belonging to the Standard for the use of this parish and keep the same.

Item that the Church Wardens pay to Thomas Luten Jun^r Ten shillings for the Writing two Letters.

Ordered that the Church Wardens do Collect or Cause to be collected the sum of two Shillings and Six pence of every Tythable person in this precinct.

And that after the Comissioners for Receiving the other Debts of the precinct are paid the Remainder be paid to the Rev^d Mr Jn^o Urmston in part of the one hundred and ten pounds which is due to him for officiating 'till last New Year's Day.

Ordered that Cap^t Robert West and M^r Leonard Loftin be Church Wardens 'till next New Years Day—

THOMAS LEUTEN

JOHN BLOUNT

ROB^t WEST

EDWARD MOSELEY

JOHN PATCHER

SAM^l PATCHER

EDWARD SMITHWICK

W^m DUCKENFIELD

HENRY BONNER.

[FROM N. C. LETTER BOOK OF S. P. G.]

MR RAINSFORD TO THE SECRETARY

PASTOTANK 19th Jan^r 171 [5]

Worthy Sir

I rec^d both your letters but that of the 18th Decemb^r came to hand but November last I am extremely concerned at the mortifying consideration of my disobliging the Society in the business of Mr Ward & Quigley should I go about to lay before you the many advantages they made of my necessity the compass of a letter would not be sufficient to unravel the several items of their extortion but I am in some measure satisfied with the care consideration of what pittance I inflicted on myself for so unwise and so unwarrantable a practice the fault I hope is not unpardonable with the Society since this acknowledgement of my guilt may wipe away the stains of a reproachful Crime the pure effects of my necessity durum dum necessitas, I found a true saying in the very instance before me, however I'm thankful to you for the kind reproof which was done as the apostle enjoins in the spirit of meekness and forbearance as to the present state of the Government the Indian differences are all composed and Peace and Quietness seems to flourish in our land. You are pleased to give me an account of Fifty one pounds and ten shillings due to me at Xmas 1713 I have drawn for the Eighty pounds Sterling some time since which was formerly protested in 2 forty pound Bills and should this meet with the same fate I cannot tell what will become of me But the consideration of the last Standing Ordⁿ made by the Society relating to Missionaries Bills forbids me to suspect any such proceedings I have now drawn on the Treasurer for £12 5s 6^{ts} which Sir I hope you will add this one trouble more to the rest you have undergone for me of seeing it paid. Protesting of Missionaries Bills, when the Salaries due to 'em brings great scandal on the drawer and makes us little in the eyes of these prying animals.

I have been five months together in Chowan Indian Town & made myself almost a Master of their Language & therefore upon my hearing of the Gov^r of Virginia's project of settling of 4 Nations of Indians at the head of Meherring river, I offer'd myself as Missionary to 'em with the proposal of having one hundred pounds sterling yearly paid me for my trouble 'Tis thirty miles beyond Inhabitants, & the great good I may do, thro' Gods Fatherly assistance among those unenlightened creatures may redound to Gods great Glory and my Comfort. I have enclosed the

Gov^r of Virginia's answer to my letter and hope to meet some Encouragement from the Society in relation to this affair..... Charles Eden our new Gov^r tells me he'l acquaint the Society in this opportunity of a passage home, of my behaviour and deportment since his arrival among us & how indefatigable I have been in that grand Concern the Care of Souls, so that I need say no more on this head but leave it to his report. I shall only add that I have brought over to the Church one Patrick Lawler on Bennetts Creek from a Rank violent Papist, to a Sound Orthodox Believer I have Baptized upwards of 40 Negroes in this and the Neighbouring Governm^t in the compass of this past year Besides (w^{ch} is almost an impossibility here) Christened 3 children of one Peirce a Quaker's by the consent of the mother tho' seemingly of that persuasion—In Nansemond County bordering on Carolina, I have sav'd upwards of 200 Souls from embracing Quakerism by my Preaching & conference among 'em & have made y^e ignorance of their great Apostle Joseph Gloster in a dispute appear to whole Multitudes & yet their prejudice to our establishment is such y^t I fear there is no possibility to win upon 'em—I found myself oblig'd in conscience to continue for some time with these People, by reason of their lukewarmness & indifferency to our own constitution; but by my constant catechising & teaching they are become tolerable proficient in the knowledge of y^e Gospel—This very action occasioned Mr Urmstone's Report of me y^t I do not altogether continue in y^e Government I was appointed to, whereas my commission from Mr. Chamberlayne was to be a general Itinerant in this Colony, but if I see a Sheep going astray in y^e wide wilderness I must not step out of my own Pasture to save it—Alas poor man! I never sold y^e Societys Books for butter corne & eggs but made conscience of dispersing them according to y^e true intent of y^e Donors—I wish I had some small Tracts remitted me with Bibles & Prayer Books w^{ch} are very much wanting here—I sadly want Bennetts confutation of Quakerism w^{ch} with the rest of his works—Jones's translation of Lunibarek to lend about, I cou'd wish for some good Discourses on y^e Passion wth all the Sermons preached at Boyles Lectures particularly Dr. Bentley's Spark on y^e festivals. these if stopt out of my Salary. I have not one of y^e Societies collections of Papers, otherwise I shou'd take my measures according to y^e instructions you were pleased to give me—I beseech you to pardon what is past & hope to meet suitable encouragement from y^e Society (y^e necessary reward of my future diligence) in all religious performances undertaken by S^r Yours &c.

GILES RAINSFORD

Mission^y

[B. P. R. O. B. T. PLANT. GEN. VOL. 9. K. 38.]

M^r SECRETARY STANHOPE TO THE COUNCIL OF
TRADE.

WHITEHALL 23. Feb^r 1714 $\frac{1}{2}$

My Lords & Gentlemen.

I am commanded to transmit to you the enclosed Scheme relating to his Majesty's Plantations in America, and to signifie to you his Majesty's Pleasure, that you take the same into your consideration, & how far what is laid down in it may contribute to the Improvement of the said Plantations, & report your Opinion thereof. I am,

My L^{ds} & gentlemen
y^r most humble and
most obedient servant

JAMES STANHOPE.

OF THE AMERICAN PLANTATIONS.

The Brittish Plantations in America were but thin of people till the persecution of Dissenters in the Reign of King Charles the first, by which, and the Civil Wars, great numbers were forced to settle there.

When the Plantations had but few Inhabitants, Justice in Criminal Cases was administered by Marshal Law, and Cases Civil in a summary way.

On the increase of people and propriety amongst them, it was found necessary to establish a better method for their Government and the administration of Justice. To this end power was given by Letters Patents to divide each Colony into districts with Liberty to the Inhabitants to elect Members to represent them in a General Assembly (in the nature of a house of Commons) to consent to the passing of Laws, and the raising of money for the publick uses. And a Council of the Inhabitants was likewise appointed to assist the Governor (the number of which was usually twelve) and all Laws were to pass by the concurrence of the Majoritys of the said Councill and Assembly, with the consent of the Governor. They had power likewise to erect such and so many Courts of Justice amongst them as they thought fit.

Pursuant to such powers many and different Courts were established in the several Colonys. Which being erected by Persons not knowing

the methods of administering Justice, and filled with Judges made of the Merchants Planters and others in Trade and Commerce, and not learned in the Law, Justice could not be so well administered by such persons as if they had been more knowing, and less interested. And such persons only are hitherto made Judges in the Plantations.

Courts thus erected and filled with such persons, tho' at first it might be necessary, has in process of time produced many gross errors partiality and delays in the administration of justice.

Many persons have withdrawn themselves, their Estates and great stocks out of the Plantation Trade to prevent the wrongs which they or their posterity might suffer for want of justice. Which Stocks if continued would have much encreased, if not doubled the Plantation Trade.

During the Reign of King Charles the second Little was done to amend the administration of Justice in the Plantations or for the Improvement and encrease of them, except some Acts of Parliament then passed to retain the benefit of them from forreign Nations.

In the Reign of King William of Glorious Memory, a Council for Trade and Plantations was erected with very good Power and Instructions which if they had bin well executed might have produced much good.

ADVANTAGE BY THE PLANTATION TRADE

It appears by the Inspector Generals abstract that the Importations from the Plantations have bin one year with another about a Million Sterling £ Ann: And the Exportations from England to the Plantations about Seven or Eight hundred thousand pounds.

The said abstract shews that in the year beginning at Christmass 1700. (about which time the Council of Trade was erected, the imports from the Plantations were 1,226,701, and the exports to them 682,414, making together 1,999,115. S^r Josiah Child in his printed book of Trade affirms that the Plantations employ two thirds of our shipping, and did thereby, and by taking of our manufactures give sustenance to near two hundred thousand persons in England.

THE PLANTATIONS SEVERALLY CONSIDERED.

In order to the better Government and Improvement of the Plantations, it is necessary to consider which of them are of greatest advantage, and which of the least, or rather which are disadvantageous to Brittain.

By the Inspector Generals account to importations from the several plantations in the said year 1700 stood thus.

		£	s.	d.
	Antego.	87,773	11	2
	Barbados.	356,024	6	0 $\frac{1}{4}$
	Bermudos	1,232	6	8
	Carolina	14,058	14	6
	Jamaica	239,758	18	9 $\frac{1}{4}$
	Mont Serat	42,343	4	6 $\frac{1}{4}$
Imported from.	Nevis and S ^t Christophers }	88,345	12	9
	New England	41,486	9	9
	New Providence	3,704	19	1 $\frac{1}{2}$
	New York	27,567	10	0 $\frac{1}{2}$
	Pensilvania	4,608	8	6 $\frac{3}{4}$
	Virginia and Mary Land }	317,302	12	11 $\frac{1}{4}$
	Total	£1,224,206	18	1 $\frac{1}{2}$

By which it appears that our Sugar and Tobacco Collonys are of greatest advantage, and deserve most regard.

All our Sugar Collonys are Islands, and produce few things that England does, for which reason, and because they want manufactures, they are incapable of subsisting by themselves; and being under a necessity of being supplied from abroad, it is much the interest of Brittain to have it done from thence.

Virginia and Maryland are the Tobacco Collonys, their Trade being under some discouragements of late, they plant less Tobacco, and more provisions, and are improving in some manufactures. They may be capable in time of subsisting without any supplys from Brittain.

Our other Collonys on the continent of America are Carolina, Pensilvania, the Jerseys, New York and New England. These vast tracts of Land, and several of them, especially New England are much more populous than the other more advantageous Collonys. They produce most of the same things that England does, and are capable of subsisting without any dependence on it.

They supply our Sugar Collonys with provisions and some manufactures, which England formerly had the advantage of furnishing them. In return for which goods they carry back Sugar and other produce of the sugar collonys, which is consumed in the said Plantations on the Continent; and thereby the benefit that such sugar and other goods would bring us by their importation and exportation again in Forreign Trade is likewise lost.

OF THE PLANTATION COURTS.

It has been observed in what manner the Courts of Justice were erected, and what sort of persons were made Judges in them.

The Laws and establishments of the Courts being different in the severall Collonys, a particular and distinct account of each of them would be too long to insert here. Here follows the state of one of them in one of the collonys, by which and some observations thereon, the condition of the rest may be conjectured.

In one of these Islands (not so large as some County in England) there are usually about one hundred and fifty Justices of the Peace. Nine Courts of Justice for Civil affairs, besides the Petty sessions of the Justices, and the Court of Grand session held two several times in the year for Criminall matters, or Pleas of the Crown.

In the civil Courts there are forty four Judges, or Justices, not one of which learned in the Law.

The Court of Grand Session is held by the Governor, Council, and the Judges and all the Justices of the Peace, if they think fit to sit there, but there are seldom above 60 or 70 of them at one time on the Bench.

Thus most of the Chief persons being Judges or other Magistrates, there are few of note left to do Justice upon, and if they should do it against each other it might be retaliated upon them, and few persons can be prosecuted who are not dependant upon, or of Kindred to some of these persons.

Such Courts produce (as might well be expected) many gross errors and great partialitys, especially in the most considerable Cases. Persons wrongfully possessed of Estates belonging to others, persons indebted and Merchants and factories trusted with the Estates, and consignments of others, and not willing to account fairly and pay their creditors, have by the favour of Governors bin put in these judicial places, by which they engage the common interest in their defence and protection. And this together with difficulty in recovering debts, is the chief reason that the Brittish Merchants are worse used by their factors in America then in any other part of the world, which they proverbially attribute to the effect of the climate, being ignorant of the true Cause.

It is the interest of those who inhabit the Plantations to break (if they can) the Laws by which they are restrained from Trading with any Nation but Brittain, and they do frequently break them, to our great prejudice, and are safe in so doing, being both partys and Judges.

In the said Grand Court for tryal for crimes; Murders, Fellonys, and other great crimes frequently escape punishment, when at the same time words of the least disrespect to the Governor, or other principal persons in the Island are severely punished. One person for some disrespectfull words of the Governor was fined two thousand pounds, and laid in Prison till he paid it. And another for disrespectfull words to one of the Councill was striped naked and whipped at a Carts tail through the chief Town, although he was then in a sad condition, one of his armes, and Legs being bound up in Splinters, which he had broken a few days before. This person had born the late Queens Commission as a Lieutenant in the Militia of that Island, and had a sufficient Estate to have paid any reasonable Fine, and although he did offer and earnestly pray the Court to inflict imprisonment, and any Fine whatsoever on him, rather than such an ignominious punishment, yet he could not prevail.

Sometimes the said Justices quarrel with each other on the Bench in a most scandalous manner, and at one Court they shoved and justled the Chief Justice, and laid their hands on their Swords on the Bench, and were going to draw on each other, if a company of the guards had not immediately rushed into Court with Muskets charged and presented, with whose assistance one part of the Justices sent the others to prison.

This transaction and the whipping of the aforesaid person, were complained of in England, and fully proved, and have lain before the Board of Trade about six years to no Purpose.

It is usual with people in the plantations to engage in Suits at Law tho they are advised against it, they know the ignorance of their Courts and say they will try their luck for they have friends on the Bench. This is so great an encouragement to litigiousness that there have bin above nine hundred Causes in one year, depending in the aforesaid small Island. To the great prejudice of trade, and neglect of their Plantations.

OF PLANTATION GOVERNORS.

Governments have bin sometimes given as a reward for Services done to the Crown, and with design that such persons should thereby make their fortunes. But they are generally obtained by the favour of great Men to some of their dependants or relations, and they have bin sometimes given to persons who were obliged to divide the profit of them with those by whose means they were procured. The Qualifications of such persons for Government being seldom considered.

The Governor is by his Commission made Captain General, Chancellor, Chief Justice, and Admiral, which are great and different powers,

and can never be justly executed by one person, unless he have some reasonable knowledge of the matters in which he is to exercise such powers. This is seldom to be found in one man, and never was so in any of the said Governors. So that if a Governor should be a good man, and intend to do well, yet his want of knowledge in those things that most nearly concern the peace and happiness of the people, will make him subject to many and great errors, and the being misled by others; and render him utterly incapable of Judging whether the inferior parts of the Government under him be rightly administered, or of applying fit remedies if it be not.

Thus the people may be very much oppressed and injured, and many Complaints be made of them in Brittain, and yet such a Governor may not be so blamable, as those who procured his being sent to execute powers, of which they knew he was not capable.

A bad Governor invested with all these extraordinary powers, does thereupon grow haughty and insolent, he knows those who had power to put him in, had also power to protect him in a great measure from all complaints that may be made against him. He knows the great trouble and hazard they must run, and the great charge, vexation, loss of time and damage to their Estates, who are forced to take long and dangerous voyages to prosecute him. He knows that most of the Planters will rather beare any Injury than thus seek for an uncertaine redress, and that not one Planter in a hundred is able to beare the expence. He likewise is sensible that after they have proved all they can against him, the worst that can happen is, that after they have spent two or three years after this manner, he may be recalled, when the usual time of such Governments is almost expired. And may enjoy at quiet in Britain the fruites of his oppression and rapine.

Such a Governor sells his judgments and decrees to the highest bidder, and all places both Civill and Millitary without any regard to the fitness of the persons to execute them, which multiplies oppressions. He protects the inferior Officers and others who pay him yearly pencions, in the neglect and breach of their duty; so that all complaints and prosecutions against them are in vain. He encourages and protects those who declare of his party against all others, in their insults, oppressions and violence. The greatest crimes committed by any of his party escape unpunished, and the smallest transgressions in the other are magnified into the greatest crimes. By arts and violence he forces the people to chuse such members for the General Assembly as he knows will consent to the raising of most money by taxes on the people, which is done on pretence of building, or

repairing forts, storing Magazines, and other publick uses of the place ; but really with design to get most of it for himself in a covert manner.

These things are not aggravated, but much less said of them then might have bin with truth. This is apparent by the following fact, which was done about eight years since.

The person above mentioned who paid the two thousand pounds fine for words spoke by him against a Governor, did afterwards complain to the late Queen, of the said proceedings, and excessive punishment ; whereupon he obtained an order to have the said mony returned him by the Governor, who had received it.

The Governor enraged that he was ordered to part with the mony, resolved on a more severe revenge, and with the assistance of a person he used to imploy on such occasions, suborned one to swear high Treason against the aforesaid person, and thereupon sent him to prison, used him severely, and threatened to hang him in a few days, giving out, and making the prisoner beleive, that he had two possitive witnesses against him.

The Treason he was charged with, was a Confederacy with the French Governor of Martinico to deliver up several Brittish Islands into the Hands of the French King. The prisoner (who was a weak sickly old man near seventy years of age) to save his life and obtain his Liberty, was at last forced to give the said two thousand pounds privately to the Governor. Whereupon he was delivered out of prison without any try-all, or being bound to appear at any Court to answer it.

The acquitting of him in this manner, was alone a violent cause to presume he was not guilty of any Treason and that he had bought his Liberty of the Governor.

Full proof of all this matter was afterwards exhibited to the late Queen and Council, and laid before the Board of Trade. And the General Assembly of the Island made a full representation thereof in the most zealous manner, humbly praying her Majesty's protection of their Lives, Liberties, and Estates.

All which produced no other effect then the paying back of fifteen hundred pounds of the money by the Governors agent, who had received it, and this was done by Composition the person grieved loosing the rest. And no person was punished, or any effectuall remedy advised or proposed by the Board of Trade against such wrongs for the future.

All nations but the Brittain have Civil Governors, or Chief Justices, in their Collonys, as well as Military. They rightly Judge that no person can administer Justice, but those who understand it. And till it be so with us, no Plantation can be governed.

OF APPEALS AND COMPLAINTS FROM THE PLANTATIONS

As appeals to the Prince from inferior Jurisdictions, are the rights of the subjects in all nations, they would contribute very much towards keeping Governors, and Plantation Courts in awe, if they were allowed from thence, as was formerly practised.

But in the year 1689, the Governors by their Instructions were directed not to suffer any appeal to be made to the King, unless the Estate, or matter contended for, did amount to the value of five hundred pounds.

This Instruction covered the Governors and Courts from an Inspection into their conduct in all cases of a less value, thereby giving them the ultimate Jurisdiction in all other cases. And whereas most of the Suites amongst them concern Traffick and not one in fifty of so great a value their power was thereby made absolute in all the rest.

This has subjected the people to many grievous wrongs, but it has made Governments and Judicial places worth more money when they are sold.

In many cases whereby the said Instruction Governors ought to allow appeals, they frequently refuse them, pretending that the Land, Estate, or Negro Slaves sued for are not of the value of £500 tho' they are worth much more. Some have bin forced to come from the Plantations, and on Petition to King get leave to appeal, and then return to the Plantations, and come back again with their appeal, and with the papers and writings necessary for the prosecution of it. And thus they are forced to two or three long Voyages, with great hazard, expence, and loss of time, before they can obtain Justice.

Where appeals have bin made against sentences and Judgments of the Courts, and all the proceedings and Records transmitted under the seal of the Plantation, it is not to be doubted but Justice has bin don, the whole matter appearing by such papers, and the ultimate Judgment given by the King in Council.

But on Complaints of grievances, and of many great oppressions, which have not been done in a Judicial way, and where the proceedings were not of record, and consequently could not be proved so fully before the King, as in the aforesaid case of Appeals, the persons injured meet with unsupportable difficulties and have seldom bin relieved on their complaints.

The Complaints are commonly against Governors, who being the Chancellours have the keeping of the great Seal of the Colony, and will not suffer it to be put to any papers that may be used against them, untill a speciall order for that purpose can be obtained from the King.

This forces who have cause to complain to address themselves first by Petition the King praying to have his Majesty's order to the Governor commanding Him to let them have Copys of such Records and Papers as they want, attested under the Broad Seal. Which being obtained and carried to America, they may be able after a year or two thus spent, to return again to Brittain prepared to prove their grievances.

But as it very seldom happens that such oppressions can be fully proved without the Depositions of Witnesses, and as there is no Law by which witnesses can be compelled to depose in such extrajudicial cases, or any power in the plantations, except the Governors themselves to take their Depositions and return them authentically to Brittain, if they were willing to be examined, for this reason it often happens that the greatest wrongs done there cannot be proved in Brittain.

And where the persons oppressed can prevail with Witnesses to come over from the Plantations, they must bear the expence of it, and likewise pay them for their trouble, hazard, and loss of time, which with their own charges in the prosecution may amount to above a thousand pounds. This is what few of the Planters can bear, and several have been ruined by it.

This sort of complaints are begun by Petition to King in Council, upon reading there, it is referred to the Board of Trade, to examine into the matters complained of, and report their opinion to his Majesty. As these Complaints are always grounded upon breaches of the Laws, Constitutions and rules of Government in force in the Plantations, of which no person can judge truly or make any reasonable report to the King, without having a perfect knowledge of the Plantations, and of their Laws and Constitutions; as likewise of the Laws of Brittain, so that there being seldom or never hitherto any such person in the said commission, the subject of such Complaints has seldom bin truly understood by the Board, and consequently could not be rightly reported by them to the King, whereby his American subjects have failed of that Justice and relief they otherwise might have had.

That Board having found it difficult to make such reports as they ought in such cases have kept the matters referred to them a long time under their consideration and have had severall hearings of the partys concerned, who have frequently been forced to attend above twelve Months, before they were able to get a report made to the King.

The said Commissioners having power by their Commission to examine Witnesses on Oath, but always refusing to exercise that power (as it is necessary they should) they are thereby the less able to make their reports with exactness and truth. The not exercising such power, has occasioned much Confusion, variety of opinions and different proceedings at that Board at several times. The Board have sometimes directed the partys concerned to carry their Witnesses to a Master in Chancery, and get the Depositions taken in writing, which they have after received as Evidence. At other times they have refused to receive such Depositions as evidence, and at the same time have admitted the examination of persons *viva voce*, who were not upon Oath. And at other times have allowed nothing to be good Evidence, but what came over from the Plantations under their Broad Seals.

This uncertainty, and variety in their proceedings has often produced more trouble, and greater oppressions then what were at first complained of, and generally their reports to the King amount to little more then giving their opinion, that the Complaints & proofs should be sent back to the Governor for his answer.

The Governors generally delay their Answers as long as they can, and after their Answers are returned to Brittain, there is usually so much time spent in a further consideration of them, that their Governments expire, and they are recalled before there be a finall determination. And so the matter commonly ends, the persons wronged knowing they can have no further relief on the said complaints.

Thus after two or three, and sometimes four or five Years excessive charge and trouble, and severall long Voyages from the other part of the World, the unhappy American Subjects are forced to bear their oppressions.

OF THE COUNCIL FOR TRADE AND PLANTATIONS.

The Board was erected about fifteen years since, as has bin before observed. By their commission they are directed to enquire into the severall obstructions of Trade, and the means of removing the same. And particularly to inform themselves of the condition of the respective Plantations, as well with regard to the Government and administration of Justice in those places, as the Commerce thereof. And to consider how the Collonys there may be eased, and secured, and rendered more beneficial to England. To look into Governors Instructions and see what is fit to be added, omitted or changed in them. To take an account yearly by way of Journal of the administrations of such Governments.

To hear complaints of Oppressions, and Male Administrations from the Plantations. To examine into and weigh such acts as shall be passed in the Plantation Assemblys and to consider whether they are fit for his Majesty to consent to, and establish for Laws. And upon these and severall other heads, to make representations to his Majesty of such regulations as are fit to be made in the Plantations. As by a copy of the said commission will more fully appear.

If this power had bin always vested in Persons of Knowledge and Integrity, to whom the plantation affairs were well known and unanimous in the design of promoting the public service only, it might have produced much good. But there having bin many persons att severall times put into that commission for different reasons than their ability, to discharge such a trust (as is well known) it has not hitherto produced such effects as might be expected from it. And it was impossible that Board should make a right Judgment of wrong oppressions, and Male Administrations, and of Acts sent from the Plantations to be passed into Laws, or be able to represent what regulations were fit to be made in the Governments, and administration of Justice unless some at that Board had a perfect and personal knowledge of the Nature of the Plantations, and of the people, as likewise of their different Laws and Constitutions.

Many instances might be here given of many incredible things done, and omitted by that Board, but since the design of this is not to reflect on past miscarriages, but to prevent the like for the future, and since there is now reason to expect from his Majesty's wisdom and the Justice and Prudence of his Ministers that the said Councill will be in a short time better filled, two instances need only be now mentioned.

They are by the said Commission directed to examine and look into the usuall Instructions given to Governors, and to see if any thing may be added, omitted or changed therein to advantage. As likewise to consider what trades are taken up and exercised in the Plantations which are or may be prejudicial to England. They have accordingly had the consideration and settling of all such Instructions, in which nevertheless a Clause has bin constantly incerted commanding Governors to endeavour, and encourage the setting of Workhouses to set the poor at Work, and many Manufactures are made in the Collonys on the Continent of America, which encrease daily, so that in time they may supply our Sugar Collonys as well as themselves with things that make a great part of our Brittish Trade, to our great prejudice, and contrary to the Policy of all other Nations.

They likewise continue the aforesaid Instructions against appeals, and have bin so far from advising a change thereof, that about thirteen years since, when on the Petition of many Merchants and Planters about it, a Committee of the Privy Council made a report that it should be altered; the then Board of Trade made an Interest to have it referred back to them, and on their report it has been continued.

THE WAY TO PRESERVE AND IMPROVE THE PLANTATION TRADE.

This may be best done by a good Council for Trade and Plantations, filled with persons of Integrity, and resolution, and fit for the Business they are employed in.

In order to this besides one or two Lords, which are usually in that Commission there might be one or two persons of note who well understand the constitution and affairs of Brittain and if they have bin Ambassadors, or Envoys abroad they may be the better qualified. Two Merchants of reputation, who have bin concerned in general Trade, and have given it over, are likewise necessary. And as the Plantations are to be the greatest part of their Province, it is necessary there should be some at that Board who have lived in the Plantations, and have a perfect and personal knowledge of them, and especially of their Laws, Customs and Constitutions of their severall Courts, as likewise of the Law of Brittain, it being impossible to understand the Laws perfectly of the Plantations without the other, most of the English Laws being in force in the Plantations.

If any who have bin Plantation Governors or others who have served the Crown in Superior Stations in America, have done their duty and have behaved themselves with an unblamed Integrity, such persons might not only be of great service at that Board but their Employment in that Commission would be a great encouragement to all others in the service of the Crown in America, to behave themselves well, when they have such a prospect of being employed after their return to Brittain. This alone would produce many good effects.

But as such Commissioners if they do their Duty, may be forced to disoblige many Governors, and other great Men, by whom such Governors may be favoured and supported in Brittain, it will be absolutely necessary to encourage them that they be personally known to the King, and not removable from that Board, without some fault and his Majesties immediate knowledge.

Such a Council would be able to make proper observations on the State of the Plantations, and everything concerning them, and full representations thereof to his Majesty from time to time. On which fit remedies may be applied

As no part of the British Dominions has been hitherto so little understood, and so much neglected, so there is more room there than in any other part of the Kings Dominion for the gaining much Honour to the administration of his Government and much good to his Subjects.

As a great part of his Majesties personal Revenue arises on the Plantation Trade, as well as of the publick revenue, so both these are fallen by the decay of the Plantation Trade, and will encrease when that is improved.

There is likewise a casual revenue arising to his Majesty in all the Plantations, which if well managed might amount to a good sume; but by neglect, connivance, and fraud, it is now become so little that it is scarce thought of.

His Majesty's Honour and Interests is more peculiarly concerned in the good Government of the Plantations, than in any other of his British Dominions, for his power is greater over them, than over any other of his Subjects.

All appeals from thence are determined by his Majesty in Council, and not by the House of Lords, as they are from the rest of his Dominions.

His Majesty has power to repeal any of the Plantation Laws, without the concurrence of the Plantation Assemblys by whom they were made, or of any other whatsoever. Which cannot be done in the rest of his Dominions.

He has power to erect any new Courts of Justice, or to change those already established. And in most things the will of the Sovereign has hitherto bin the Law of the Plantations.

October the 18th 1714.

[FROM POLLOCK'S LETTER BOOK.]

NORTH CAROLINA Feby 10th 1715

Hon^d Sir

Yours from Berne dated April 30th 1714 came to hand and [am glad to] understand you have got safe to your own country, and I should [be] well satisfied, (if for your advantage and to pay it? your creditors) [you]

could procure a new surety. But I could never have expected Baron Graffenreid, whom I always took to be a man of honour and honesty, would have proposed to me to give away the matter of 900 pounds sterling money of England for nothing. You know how readily and fully [I served] you; you can not but remember your reiterated promises that I should be fully and honestly satisfied. And now to propose to put me off with [nothing?] is what I never expected from you. Your debt to me was 612 pounds, besides some other small debts I [paid] by your desire, after making up accounts: Your debt to Cap. and his brother was fifty six pounds which makes 668 pounds, the bills being pro[tested] the change and reexchange at 15 per cent is 91 pounds 4 sh[illings] makes with the charge in England for the protest near 770 pounds. To [which] will be two if not three years interest due before I can have it of you at London, which with the other small debts I have paid here for [you] and trouble of taking care of what insignificant matters you [left] here, having been forced to pay M^r Graves for the surveying your land, and the heavy charge of a Land tax, will make your debt near 1000 pounds sterling money of England. of all which have received [but] 312 pounds in our public bills for your sloops et cact., which are of no use, seeing I can purchase nothing for them, but lie dead on my hand. And as for your goods, if you left any of any value, your friend Mr Mitchell, the Major, and others of your people had conveyed an I having got nothing, save a little iron and some rusty nails for and other small things of little value.

You know that you purchased only 15000 acres of land of the Lords Proprietors, which is but 150 pounds sterling money, whereof at mill Creek? there is only 8500 acres surveyed; the other 5000 acres not being yet taken up, which I intend to take up at White Oak River, as you designed. As for your two or three other small tracts, you not having paid the purchase to the Lords Proprietors, they were by a law made here, with all other lands in Bath county that had not paid the purchase, lost: so I was obliged to purchase them of the Receiver General. And all the land, and what else is come to me of yours, is not really of the value of 200 pounds. And if you will pay me at London, so that I may be sure to have the money seven hundred pounds sterling money, within this twelve month, you shall have what land you purchased of the Lords Proprietors, you shall have the public bills I had on your account, and what other small matter of goods I had of yours or the value as they are appraised.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

Att a councill holden at the house of the Hon^{ble} Charles Eden Esq^r Gov^r &c in Chowan on ffryday the 11th day of ffeb^{ry} 171⁴₅

Present The Hon^{ble} Charles Eden Esq^r Gov^r Capt Gen^l & Adm^l

The Hon ^{bles}	{	Tho ^s Pollock	} Esq ^r Lds prop ^{trs} Dep ^{ty} s
		Na: Chevin	
		Christo Gale	
		ffra ffoster	
		T Knight	

Upon Petition of Robt Sherive setting forth that one Robert Williams formerly surveyed a tract of Land in Bath County Conteyneing three hundred and Twenty acres but never p^d any purchase money for y^e same nor Improved it by any ways but diserted it and since dyed leaveing no Heyrs in this Governm^t and that y^e said Sherive treated wth Co^{ll} Tho^s Cary whoe was then Gov^r and Receiver Gen^l to y^e Lds prop^{trs} and he assured him he might take up y^e said Land w^{ch} he did and payd y^e purchase money therefor to him y^e said Cary who delivered him a pattent for same But soe it is that on search in y^e Sec^{ry} Office he find that y^e said pattent Came out of y^e Office in y^e name of y^e said Williams and stands so recorded but was altered into y^e said Sherives name by y^e s^d Cary therefore prays that in regard he knows nothing of y^e Said Cary^s unfair dealing but verily believed y^e Said pattent was recorded in his own name and in regard that he has actually p^d y^e Consideration money to y^e prop^{trs} and done all other things necessary to his title that y^e record may be altered & made agreeable to y^e pattent.

Ordered that y^e said record be altered as prayd for y^e severall alligations in y^e Said Petition appeareing to this board to be true.

There haveing been this day a peace Concluded with the Cores and others our Enemy Indiyans It is Considered & agreed upon by this board that y^e said Indiyans together wth Pagetts men have Liberty to Setle at Mattemusket and the Hon^{ble} the Gov^r is hereby requested to Comission & Impower Some person to live wth y^e Said Indiyans the better to Inspect into their behaviour and to remit accounts thereof to him as often as he shall be thereto required for which service he shall be allowed out of y^e Publick 2^s 6^d ³/₄ day

Whereas report has been made to this Board that one Stephen Swetnam formerly survey'd a tract of Land on Derehams Creek in pamplico

Conteyneing One thousand Acres and afterward Sold y^e same to the Hon^{ble} Willm Glover Esq^r since dec'd; but that before the said Glover Could Prosecute his Title a pattent Issues out of y^e Sec^{ty} Office in y^e said Swetnam's name without any Privy or knowledge of y^e alteration of y^e title af^s^d which said pattent was afterward by the Hon^{ble} Co^{ll} Tho^s Cary then Gov^r altered into y^e Said Glover name and it appearing to this Board by the Depositions of the Said Cary & Co^{ll} Christo Gale as also by rec^s under y^e Hand of y^e Said Cary and Swetnam that the said Glover actually p^d y^e Considerations Money for y^e Same Land to y^e Said Swetnam and also y^e purchase Money to y^e Said Cary who was then y^e Lord prop^{trs} Receiver.

It is ordered that y^e af^s^d Record of y^e af^s^d pattent be altered and made in y^e name of Willm Glover

Daniel Richardson	Dr	£	s.	d.
To Purchase money Rec ^d at £10 ₤ 1000 Acres		482	19	—
To y ^e Quitt Rents to Mich ^s 1713 At 6 ^s ₤ 100 Acres		38	.6	.4
To Purchase money Rec ^d at £20 ₤ 1000 Acres		137	.8	—
To y ^e Quitt Rents y ^r of to Mich ^s 1713 at 1 ^s ₤ 100 Acres		2	.4	1½
To y ^e Quitt Rents to Mich ^s 1713 at 2 ^s ₤ 100 Acres in Chowan		206	5	—
To Do for purchase Lands at 6 ^s ₤ 100 Acres		5	.10	.4
To Do in Pasquotank at 2 ^s ₤ 100 Acres		150	.13	7
To Do for purchase Lands at 6 ^s ₤ 100 Acres		5	18	—
To Do in Perquimans at 2 ^s ₤ 100 Acres		73	2	
To Do for purchase Lands at 6 ^s ₤ 100 Acres			1	6
		1102	7	10½

NORTH CAROLINA SS

Cha Eden Esq^r Governo^r Cap^{tn} Gen^{ll} & Adm^{ll} of y^e s^d province

These may certifie that on ye 14th day of Feb^r 1714¹⁵ Dan^l Richardson Esq^r p^rsonally came and appeared before me and made Oath y^t y^e within Acco^{ts} were true

In testimony whereof I have hereunto sett my hand and fixed my Seale of Armes y^e day and yeare above s^d

CHA EDEN

Feb^r y^e 14th 1714¹⁵.

Errors

D. RICHARDSON

Et Contra	Cr	£	s.	d.
By sallary paid the Hon ^{ble} Chas Eden Esq ^r from y ^e 13th of July 1713 at £300 p^{a} Ann ^m }		260	—	—
By Do paid President Pollock		131	9	11
By Do to M ^r Secretary Knight from y ^e } day of Jan. 171 $\frac{1}{2}$ at £40 p^{a} Ann }		120	—	—
By Do to Major Ch ^r Gale Chief Justice from the 1 st day of July 1712 at £60 p^{a} Ann }		125	—	—
By Do to M ^r Bonwick Att Gen ^l from y ^e } 1 st June 1712 at 40 p^{a} ann }		90		
By Allowance for receiving y ^e Quitt Rents at } Chowan at £16 p^{a} C ^t }		31	16	—
By Do in Pasquotank at £12 p^{a} C ^t		18	15	—
By Do in Perquimons at £12 p^{a} C ^t		7	8	—
By my own allowance at £10 p^{a} C ^t for } £1102 7 ^s 10 $\frac{1}{2}$ ^d }		110	4	
By 8 dayes attendance on y ^e Assembly to get the Quitt Rents pd at Certain Convenient } places at 8 ^s p^{a} diem }		3	4	
By Attending Council to Get Ord ^{rs} Ab ^t my } Instructions }		1	—	—
By 18 dayes attending y ^e Assembly abt } the Act for sale of Lands }		7	4	
By paym ^t in p ^t of Coll ^t Hydes sally } at £200 p^{a} Anno }		25		
By pens Ink & paper C ^t		1	10	—
		932	10	11
Due to y ^e Lds pro ^r By Ballance		169	16	11 $\frac{1}{2}$
Excepted		1102	7	10 $\frac{1}{2}$
Rec ^r Gen ^l				

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a councill holden at y^e house Cap^t Richard Sanderson at Little River on Thursday the 10th day of Mar 171 $\frac{4}{5}$

Present the Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l and Adm^l

The Hon^{ble} { Thos Pollock
Nath Chevin
Chr Gale
ffra ffoster
T Knight } Esq^s Lds prop^{trs} Dupetys

The Hon^{ble} Co^{ll} Tho^s Pollock being this day appointed Deputy to his Grace the Duke of Beaufort tooke and subscribed the severall Oathes by Law appointed to be taken for his qualification—

Upon Petition of Richard Swinson setting forth that one Robert ffendall being lawfully Seized and possessed of a Certain parcell of Land in y^e forke of Kendricks Creek by entry and survey sold y^e same to one W^m Browne who Impowered one Isaac Wilson to dispose of y^e same of whome he y^e said Swinson bought the same for a valluable Consideration of Eighteen pounds six shillings as he can make appeare by rec^{ts} for y^e same und^r y^e hand of the said Wilson But so it was that y^e Platt of the afs^d Land being in y^e Keeping & Custody of Jno Lillington was burnt at pamplicough in y^e Massacre 1711 Since which one W^m ffryly intending y^e utter ruin of y^e said Petition^r (who hath already lost most of his stock Corne & Moveable goods by Incursions of y^e Enemy Indyans) hath entered and Survey'd the same Land and gives out that y^e right of y^e afs^d Land is in him and that he will take out pattent for y^e same in his owne name and further sitting forth that his great poverty and age render him incapable of subsisting if he should lose his land Such Sinister practices of y^e said fflye humbly prays that ye survey of y^e said fflye may be set aside Seeing it is of latter date then the Said Survey lost in y^e massacre and that he may have y^e liberty of surveying & pattenting the same &c And the said ffryly appeareing and y^e matter being Debated on both side and duely Considered of by this Board.

It is ordered that y^e afs^d survey of ffryly be sett aside and that y^e Survey^r Gen^{ll} doe returne y^e same in y^e said Swinson name

Upon Petition of divers of the Inhabitants on y^e Sound side in Chowan preeinct therein setting forth that y^e Road from Doct^r Urmston's to Yawpim being Cleared out y^e Sound side was very prejudiciall to their plantations and pray's the same may be Cleared backwards in y^e woods,

Ordered that the road backwards in the woods be from henceforward deemed and taken for y^e horse road and not on y^e sound side from y^e s^d M^r Urmstons downe to Yawpim

Upon Petition of the Hatterass Indyans praying Some Small reliefe from y^e Country for their services being reduced to great poverty

Ordered that they have 16 bushels Corne for their present supply out of the Publick Store.

Ordered that King Blount have one hundred bushells of Indyan Corne out of the Publick Store for y^e support of him and his Indyans in regard of their services being reduced by the Same.

Upon Petition of Jn^o Bernard Chenywolfe showing that one Robert Williams formerly surv^{yd} a tract of Land Conteyning 190 acres in y^e forke of Greens Creek in Nuse and soone after dyed leaving noe Heyrs in this Governm^t but before his Death was knowne a pattent Came out of the Sec^{ry} Office and Co^{ll} Tho^s Cary who was then Gov^r & Receiver Gen^{ll} for y^e Lds prop^{ty} haveing the s^d pattent in his owne hands Sold ye same Land to one Tho^s Yates who sold the same to Chenywolfe now in regard the said Yates actually and *Bona fide* paid the Purchase Money and Q^t Rents for y^e same Land and y^e pattent being altered into y^e said Yates's Name by the said Cary he pray's that the Said Record may be altered agreeable with the Said Pattent which is granted

Upon Petition of the Porteskyte Indyans showing that the Inhabitants of Corratuck Banks have & doe hinder y^e Said Indyans from hunting there and threaten them to breake their guns and that they Cannot subsist without the liberty of hunting on those their usuall grounds.

Whereupon it is hereby ordered that y^e said Indyans from henceforward have Liberty to hunt on any of the said Banks land that noe Englishman presume to disturbe them thereon without application made to this Board.

Upon Petition of George Bell setting forth that he had two serv^{ts} bound to him by the precinct Court of Craven in y^e month of July 17 $\frac{1}{2}$ namely Charles Coggdaile and George Coggdaile as by Indenture may appeare. And further that y^e Court at^{sd} have pretended to sett y^e said Serv^t at Liberty as he is informed by reason that they could not perfectly read and write when as the time of their servitude is not half expired And he further claimes that during the time they were with him they were well used and much time allowed them to perfect them in their reading and writeing and that he intended to Instruct them in y^e building of Vessells Therefore prays that in regard there is no other allegation made appeare ag^t him they may remain wth him till y^e time in the Indenture Specified be expired &c And the matter being considered by this board

It is ordered that the said Charles and George Coggdaile do remain with their said Master pursuant to their former Ind^{ts} notwithstanding any order of the Precinct Court unless sufficient Cause be Shown to this Board to y^e Contrary

Upon a Caveat entered by James Blount ag^t a Pattent goeing out for a peace of Land lately surveyed by Henry Bommer in Mattamouset Creek and a motion thereon made alledging that the said survey does interfere wth a former Survey belonging to y^e said James Blount It is

ordered by this board that Co^{ll} Will^m Maule and Co^{ll} Edward Moseley doe Make a tryall of both y^e said Surveys and report the speciall matter to this board by y^e last of July next.

Mr. Emanuel Low prefering a petition to this board ag^t Mathew Midgett therein setting forth that y^e said Midgett had feloniously broke open his store house in the time when the Hon^{ble} Edw^d Hyde was Gov^r here and had take thereout a quantity of Rum & Sugar &c and pray's y^e Gov^r warr^t to appehend him therefore and it appearing to this board that y^e What y^e said Midgett did in that regard was done by y^e authority of the Government and that y^e Said Low has been considered & satisfyed for y^e same. Therefore It is the opinion of this board that y^e Same Petition is altogether Scandalous Infamous Seditious and false And therefore it is ordered that y^e Same be & is hereby rejected as Such.

[B. P. R. O. B. T. NORTH CAROLINA. VOL. 6. P. 33.]

LETTER TO CHA: EDEN ESQ^r GOVERNOR OF NORTH CAROLINA.

To Charles Eden Esq^r

Sir,

It having been represented to Us that an Act of Assembly was pass'd in Our Province of North Carolina in Nov^r 1713, that all Persons who have taken up any Lands there, and have not paid the purchase Money within three Months after the Date of the said Act, otherwise any other Person might lawfully purchase the said Land paying the purchase Money to our Receiver General.

This Law indeed seems plausible and intended for Our Service (tho' at the same time We think the Assembly need not have made any Law relating to the purchasing of Our Lands) but we are given to understand that a very ill Use has been made of this Law, and under Colour thereof several poor Persons who have lost their Husbands or Fathers, or have otherwise been reduced by the late War, and are consequently objects of Compassion have for want of the payment of their purchase Money at three Months end, been dispossessed and other Persons (several whereof are Our officers) did pay the purchase Money for the said Land with an Intention to sell the same at great Advantage. If this be the truth of the Case, there has been the greatest Oppression and fraud imaginable

practis'd under Colour of Law, for by this means the Poor people who by the Calamities of the War have been render'd incapable to pay the purchase Money within the time limitted have lost their Lands, and the Rich Men by payment of the first purchase Money have got possession of the same to their own Advantage but to the ruin of several poor Widows and Orphans.

If this appears to be the Case, We will highly resent it and censure such of our Officers who have been concern'd in these ill Practices, and We require you strictly to examine this matter and make your Report of the truth thereof by the first Opportunity.

We in the meantime are of Opinion that the Persons who are turned out of their Lands by the unjust Advantage that has been taken of this Law shou'd have their Lands restor'd to them again upon paying back the purchase Money with the Interest thereof within a year after your Receipt of this to those persons who advanc'd the same under Colour of that Law, and that such persons who by the War have been utterly disabled from paying the purchase Money shall be assisted by Our publick Money they giving Security for paying Principal and Interest to Our Receiver General within three years.

And if any Difficulties shall happen to arise upon Lands having been transferr'd from one to another so that some parcels of those Lands may now be in Possession of Persons who have purchas'd bona fide at considerable Rates beyond what was the Original Price of those Persons who procured this Law for obtaining this very Advantage, We commend this and all other intricacies that may arise to the Assembly, and We hope they will provide for the same, it being our Intention that the poor Original Purchasers shou'd not be defrauded.

We are

Your very loving friends

CARTERET Palatin

M. ASHLEY

P. COLLETON

J. DANSON

S^t James' March 26th 1715.

[B. P. R. O. B. T. No. CAROLINA. VOL. 6. P. 31.]

LETTER TO M^r EDEN GOVERNOR OF NORTH CAROLINA.

To Cha: Eden Esq^{re}

M^r Eden.

We received your Letter, Dated Sept^r y^e 15th 1714, Your opinion in relation to the Money Bills not being accepted in Payment for the purchasing of Lands, was just, and we return you our thanks for your Care.

You say, that in your Instructions, four of our Deputies are to be join'd with you in determining publick matters, But you desire that two only with your Self may be a sufficient number for that purpose We think that too material a point to be altered, but we are willing to give you all reasonable assistance in our Power, and have therefore sent you Blank Deputations for you to put in such Persons Names into them, as you shall think willing to give their Attendance, and will be most ready to assist you in the Administration of your Government.

We readily comply with your request in making M^r Christopher Gale, Our Chief Justice, and have given Our Secretary Orders to draw a Commission and prepare Instructions accordingly.

We wish you Success in the Treaty of Peace with the Indian Captains, and we doubt not but your care and prudence will bring that War to a happy conclusion.

Tho' we are convinced that a re-survey of the Land in your Province might tend to the Advantage both of us and every Plantor, yet we think it proper, to have that matter a little longer deferr'd, least the peace and quiet of the Country should by that means at present be interrputed.

We hope that you will take care that our Receiv^r General M^r Richardson, do send his Accounts to us as soon as the next General Courts are over; and that such Effects of Ours as are in his hands, and are proper to be sent to Europe, be constantly remitted to us by all convenient Opportunities.

We think it proper to give all due Encouragement to such persons as are willing to come and settle among you, and we do therefore hereby require you to give a Power or Liberty to any New England Men or others to catch Whale, Sturgeon or any other Royal Fish upon your Coast, during the Term of three years, they paying only two Deer Skins

yearly to the Lords as an acknowledgment to them for the same. So we bid you heartily farewell and are

Your very loving Friends

CARTERET Palatin

M. ASHLEY

J. DANSON

S^t James'

March 26th 1715.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.

NORTH CAROLINA April 13. 1715.

Sir

I've little to add or vary from w^t I have formerly written, my circumstances are little or nothing better'd. The Vestry's very averse to meet & with much difficulty have been prevailed to order me some money but then no care is taken for collecting it—The Chh: Warden of Pascotank Precinct was ordered to collect £30 for y^e first year after my coming into this wretched country & hath had it in his hands these two years & I cannot receive it without an arrest w^{ch} would cause clamour enough; The Vestry for Chowan where I reside, last December order'd me £110 for y^e 3 years last past, but the time is lapsed for y^e collection this year & w^{ch} was to serve me for a little provision I know not: I've nothing to buy wth & not able to raise any—If I had not with the utmost slavery made a little corn, we shou'd have all perished; I've not a morsel of any thing save corn; Beef or Mutton is not eatable at this time of y^e year, nor can we expect any till August. I have been obliged to pay for my plantation at last or must have turned out after Improvements w^{ch} amount to near £50—I have drawn a Bill for £60 Stg. upon the Treasurer, w^{ch} I hope he will pay in time, if money be not just due; The person it is payable to will stay to take it as it becomes due; I must draw for £40 more in a short time, so y^t Goods I must expect none from England this year & tis very hard buying necessities here at such exorbitant prices. I have often prayed for some relief, if it can be had towards paying for my expenses I am at, but am not so happy We are at Peace, thanks be to God, with the Indians & among ourselves. I hope we shall have a communion these Holy time but fear my Congregation

will be small by reason it never was yet administered in our Chappel; I intend to go all over y^e next Country towards y^e end of this month for y^e first time & if I find it practicable may Visit them oftener till y^t p^t of y^e Government can be better supplied.

I am Sir,

Your most humble Servant

JN^o URMSTONE

Mission^{ry}

[B. P. R. O. B. T. PROPRIETIES. VOL. 9. Q. 46.]

GOV. CRAVEN TO SEC. LORD TOWNSHEND.

23 May 1715.

R^t Hon^{ble}

The Neighbouring Indians with whom we have had a long and continued Amity, having for almost these two months last engaged themselves in a most bloody war against this part of his Majesty's Dominions, I held myself obliged to give your Lordship a plain and true account of the present State of this Colony being well assured that it will be as soon as possible laid before his Majesty by your Lordship.

I have no necessity to acquaint your Lordship, that South Carolina is of all the Dominions belonging to the Crown of Great Britain in North America, the utmost frontier having the Spaniard at St Augustin or Florida and the French at Movill on the great River Meehassipi on the South and on the South West: St Augustine is not above seventy Leagues from our Settlements, from which place we have reason to believe Our Yamasee Indians who first began this warr upon us have received their principal incouragement to Attack us. These Yamase's being look'd upon by other Nations to be the most warlike, have prevailed with almost all the rest to become their Confederates and Allies so that we compute that we have at least 3000 Indians engaged against us, all of them till now entirely in our Interest and with whom we had a constant Trade and commerce.

About the middle of Last Aprill one of the said Yamasee Indians gave Some Hint to a Trader or two that lived amongst them of the horred design they had been sometime contriving to cutt off all the English and become sole Masters of their fine and flourishing Plantations, this astonished the poor people, and caused them to begg only so much

time as they could come to me to Charlestown and returne again, and they assured the Indians that any thing would be done to give them Satisfaction, with which they seem'd Contented.

The two Traders made all the Dispatch, rideing night and day, to acquaint me with what had happened; upon which the Council was called, and we dispatched the Messengers to let the Indians know that some of our Chief men should meet them forthwith at a place appointed, to hear and redress their Complaints and Grievances if they had any. The Indians waited for the return of the Messengers, but they had not been with them above twelve hours, but without more adoe they were knock'd on the head by the Indians, with Several more white people who were barbarously Tortured and Murthered by them.

The adjacent Settlements were some of them imediately destroyed by the Indians but most of the people escaped by wonderfull Providences; this horrible and amazing account of Several Massacres being brought to me from Several hands, I soon mounted a Party of Men, and with them together with a small number of Indians who live among us, I marched to attack the Yamasees before they were joyned by other Indians; It pleased God to give us Success against a much more numerous Party of Indians, They received an unexpected Defeat from our handfull of men with the loss of Eleven men killed outright and twenty wounded on our side The Enemy having suffered very much in this Engagement, insomuch that haveing lost several of their chief Warriors and abundance of them being wounded, they flew from their Towns and Settlements and left their Provisions and good Plunder for our men they have not as yet been so hardy as to shew themselves but Keep in unaccessable Swamps and unapproachable fastnesses

The Country is now very active in Fortifying Several Places. which may hinder the Indians from comeing lower into our Settlements, and is so Industiously Employed for their defence that all manner of other Business is laid aside, so that there will be hardly any Rice or other provision Planted which will therefore be much wanted next year.

I humbly beg your Lordships pardon whilst I presume to acquaint you further that I take all suitable measures for the Preservation of the Colony besides white men (which I am sorry to say it are but few, being not above fifteen hundred in the whole Province and they too at great distances from one another and dispersed in several Forts) I have caused about two hundred stout negro men to be enlisted and these with a party of white men and Indians are marching towards the enemy: but the greatest discouragement I meet with is the want of arms and amunition

for which I am now sending to New England but I am afraid they cant sufficiently supply us. besides I am endeavouring to bring off some of the Confederate Indians and make them our Friends again by presents and by all the most probable waies can be thought of It is great pity my Lord so fine and flourishing a Country should be lost for want of men and arms a Country so beneficial to the Crown by its trade and once so safe to other Colonies by reason of the vast number of Indians it was in alliance with I have no occasion therefore to press your Lordship to consider that if once we are driven from hence the French from Movill or from Canada or from old France will Certainly gett footing here if not prevented and then with their own Indians and with those that are now our Enemies they will be able to march against all or any Colony on the main and threaten the whole British Settlements.

People here are under such a dreadful Consternation and Surprise haveing the most barbarous enemy on earth to deal with that they are many of them for going off but I shall take all Imaginable care to prevent this Evill and have made them somewhat easy by giving them assurance that his most sacred Majesty will send them a speedy and sufficient Supply of everything.

I am persuaded your Lordship will be pleased to use your best offices for this Assistance and preservation of this hopefull Province, which without timely supplies from the Crown, will be in the utmost danger of being overrun by the Heathen Enemy; Your Lordship will most certainly lay the Calamities now befallen a distressed people to heart and forward every thing which may tend to their security which will infallibly receive Everlasting acknowledgments from them and from no one sooner than from

May it please your Lordship

Your Lordships

Most obedient

humble servant

CHARLES CRAVEN.

South Carolina May 23^d 1715

[COUNCIL JOURNAL.]

NORTH CAROLINA—88

At a councill held at Chowan The 25th day of May Anno Dom 1715
 Present the Hon^{ble} Charles Eden Esq^r Governor Command^r in Chiefe
 & Adm^l

The Hon ^{ble}	{	Co ^{ll} Tho ^s Pollock Nath Chevin Fra ^s Foster Tobias Knight	}	Esq ^{rs} the L ^{ds} Prop ^{rs} Dep ^{ties}
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Ordered That Cap^t Benja West Cap^t Jn^o Palin Cap^t Jn^o Norton Com
 mand^{rs} in The Hon^{ble} ye Governo^{rs} own Regim^t do forthwith draw out
 their Companyes and declare to them that so many as shall voluntarily
 go to South Carolina under the Command of Co^{ll} Theophilus Hastings
 to aide and assist that Government against their Indians now in Rebel
 lion Each person shall immediately Receive out of y^e publick Treasurie
 five pounds for and towards providing them with necessaries for their
 Expedition and from and after their Landing in South Carolina shall as
 Further Encouragment be allowed by that Government Two Shillings
 ₤ *diem* for so many days as they shall actually be in and upon that
 Service and that they shall be brought back again hither at the publick
 Charge In Case the Necessity of affaires will not admit of y^r returning
 by Land But in Case they doe returne by Land Then to be Supplied
 with Provisions from South Carolina for such their March and in Case
 of any Obstinacy and Reluctancy in their the Said Cap^{tns} people Each
 Cap^{tn} is Ordered to draw out Tenn able men from Each of y^r Companyes
 provided they are not those who have y^e most numerous families and to
 see them well provided with armes and amunition and to put them under
 y^e said Co^{ll} Hastings Orders giving a Servant in every Tenn men who
 shall receive Three Shillings ₤ *diem*

Ordered also that Fifty men be raise and Sent to the aide of South
 Carolina under y^e Command of Co^{ll} Morris Moore by Land and that they
 have y^e same Encouragmt as in the above Ord^r with the advance money
 of Five pounds a Head for Each private Centinell and Tenn pounds for
 y^e Cap^{tn} and Seven pounds Tenn Shillings ₤ head for Each Subaltorn
 Office

Ordered that orders be forthwith sent to Cap^{tn} Drinkwater to Com
 mand him to keep a constant patrole between Pamlico and Nuse and
 that he assist the packet from So Carolina wth all provisions and other
 necessarys for their returne

The Hon^{ble} the Govn^r is likewise requested by this Board to Write to y^e Govern^r of Virginia and acquaint him that the Govern^r of South Carolina desires all persons Comeing out of that Governm^t without particular Permitts may be secured and sent back with all Expedition.

Upon Petition of Nath Chevin Esq^r Shewing that a tract of Land Containing Two hundred and seventy Two Acres at Cowhall, Survey'd and Patt by Richard Lewis is Laps'd for want of Seating and prays that the same may be Granted to himselfe.

Ordered that y^e same be Granted as praid for.

[COUNCIL JOURNAL.]

NORTH CAROLINA SS

Att a council holden at y^e house of Cap^{tn} Fred Jones in Chowan June 7th 1715

Present the Hon^{ble} Charles Eden Esq^r Govern^r Cap^{tn} Gen^l & Adm^l

The Hon ^{bles}	{	Tho ^s Pollock	}	Esq ^r Lds propriet ^{rs} Dep ^{ties}
		Nath Chevin		
		W ^m Reed		
		C Gale		
		Fra ^s Foster		
		T Knight		

Upon Petition of Robert Hicks Showing that a Tract of Land on Rockahock Creek is in Chowan formerly Pattented by M^r James Fracklow is Lapsed for want of being Seated in Due time pursuant to the Tenor of y^e Said Pattent and prays y^e same may be Granted to him

Ordered that y^e same be Granted as pray'd for

Upon Petition of Robert Hicks Shewing that a Tract of Land of One hunderd and ninty Six Acres lying at the Beaver Dams on the Indian Town Creek in Chowan formerly pattented by M^r James Farlow is Lapsed for want of Being Seated in due time pursuant to y^e Tenor of Said Pattent prays the same may be granted to him

Ordered that the same be granted as pray'd for

Upon Petition of Thos Roper Shewing that Cap^{tn} Cornelius Swillivan has Rece'd y^e Wages of one Anthony Morrall which was due to y^e said Morrall for his services in the Warr against the Indian Enemie and that the said Morrall at y^e same time was an Indented Servent to the said Roper and therefore his said Wages was due to him and prays whereas the said Swillivan has some money due to him in the publick Treasurie

here he may have so much money of what is due to y^e said Swillivan as y^e said Morrells Wages Amounted to

Ordered that if there be moneys Sufficient in the Treasurie of the said Swillivan as will answer y^e Said Morralls Claims or so much as there shall appear to be the same shall be stopped or Lodged in the hands of Co^{ll} Edward Moseley Treasurer and paid to y^e said Tho^s Roper provided the said Swillivan Shew no Cause to y^e Contrary within one yeare from y^e Date hereof.

Whereas by an ord^r of Council dated y^e Eleventh day of Nov^{br} 1713 Thos Roper was Impowered to receive the sum of seven pounds Thirteen Shillings out of the Claimes due to John Toby being due to him and it now appears to this board that Cap^{tn} Cornelius Swillivan un^d pre-tence of being Admin^{tr} to said Toby has received all y^e claims due to y^e s^d Toby

Wherefore it is hereby Ordered that if there be any money of the said Swillivan in the Treasurie that the Treasurer do pay to the said Roper y^e Above said Sum put of y^e said Moneys

Upon Petition of Cap^{tn} Fred^k Jones Showing that in a survey of One Thousand Nine hundred and Ninety Acres of Land laid out for him in Matchepungo by John Lawson Esq^r Late survey^r there is at Least four hundred acres of Land Less than his Complem^t and that he hath paid the purchase money for that of One thousand nine hundred Ninety and nine Acres and therefore prayes that he may have as much Land laid out to him adjacent to y^e said survey as will make up his said Compliment of One Thousand Nine hundred & Ninety Nine Acres as afs^d

Ordered that the Survey^r Gen^{ll} or his Deputy do carefully survey the aforesaid Tract of Land and report to this Board what Certain q^t there is contained therein and that a Caveat be entered against any pattent being Taken out or Survey made for one John Bright untill y^e said Cap^t Jones Land be Laid out as afs^d

NORTH CAROLINA SS

Att a Council holden at the Hon^{ble} the Govern^r house in Chowan on Teusday the 5th day of July 1715

Present the Hon^{ble} Charles Eden Esq^r Govern^r Cap^t Gen & Adm^{ll}

The Hon^{ble} { Nath Chevin
Chr. Gale
Fra Foster
T Knight } Esq^{rs} Lds proprietr^s Dep^{ties}

The Hon^{ble} The Govern^r heaving Laid before this Board a Letter from the L^{ds} proprieto^{rs} wherein they say that Complaints have been Laid

before their Board of Divers Wrongs Injuries & Oppressions which have been perpetrated and done Especially by y^r Ld^{sp}^s Officers here under Collour and pretext of a Certain Act of Assembly Intitled an Act &c and that Divers Widdowes and Ophans have been Ruined theirby and Tho^s Lee who made y^e Said Complaints hath been this Day before this Board and examined thereon, that the Hon^{ble} y^e Govern^r Might be the Better enabled to report y^e Truth of y^e said Complaints to their Ld^{sp}^s pursuant to y^e Said Letter and being Interigated upon Oath whither he knew of any persons really Injured under Collour of that Law or any particular Widder & Orphan ruin'd or that had Suffered thereby or any Wrongs or Injures done by any of their Ld^{sp}^s officers either under Collour of that Act or in the Execution of their Officers Answered that he knew none

Wherefore it plainly appears and it is the oppinion of this Board that the said Lee had not the least Grounds or Reasons for Such Complaints but that the same was most maliciously Designed to Crate misunderstandings between y^e Ld^s and y^r Officers and to stirr up strife and sedition in the Government and to Disturbe y^e Peace and Tranquillity of y^e Same

And upon Further Compliance to y^r Ld^s orders the Hon^{ble} the Govern^r hath Issue'd out his proclamation requireing all persons that have any Just Grounds of Complaint on y^e Said matters that they make the same appear to him by the third day of the next General Assembly and they shall be heard.

The a proclama^{ti}on was Issued out by this Board prohibiting the Exporta^{ti}on of all sorts of Graine but such as shall be purchased for and Carried to South Carolina.

Then a proclama^{ti}on was Issued out by this Board warning all persons not to go out of this Govern^t without particular permitts had from y^e Govern^r

Forasmuch as the Hon^{ble} the Govern^r hath laid before this Board a Letter from his Maj^{ty} Govern^r of Verginia purporting that he has Issued out a proclama^{ti}on Commanding all y^e Magistrates in the adjacent Counties to this Country that they apprehend all persons that shall come from this Countrey in to that Government without particular permitts from y^e Govern^r for so doing and send them under the conduct an Officer into this Country

Wherefore it is hereby Ordered that Tob^s Knights at the horsepool and W^m Brapwell on y^e west shoare of Chowan and Tho^s Williams And James Brown at Caratuck or either of them are hereby Appoynted to receive all Such persons that are brought in from Verginia as aforesaid

and Deliver'd to them and that they Immediately on Receipt of Such persons doe Cause them to pay unto such officer or officers as Shall bring them in 20^e Each man and carry them before the next Magistrate who is hereby required to Comitt such person or persons to y^e Custody of the Provost Marshall or his Dep^{ty} untill they shall find good and Sufficent Security for their Appearance at the next Generall Court then following to answ^r to such matters as Shall be Objected against them

The Secretary haveing by our Ord^r liad before this Board a Report of y^e Reasons on which the Government made and passed the Laps act together with a Coppy of y^e said act and the severall Orders of the Council passt in relation thereto.

It is Ordered by this Board that the Secretary do draw up the same fairly in our names and sign it by our Order and send it home to y^e L^{ds} proprieto^{rs} by the first Oppertunity

NORTH CAROLINA SS

Att a Council holden at the house of Cap^t Sanderson July 28th 1715
Present the Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l Adm^l

The Hon ^{bles}	{	Nath Chevin W ^m Reed C Gale T Knight	}	Esq ^r Lds prop ^{trs} Dep ^{ty} s
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It is Ordered by this Board that for the better Conveniency of people passing and repassing thro' the Country a Good and sufficient Ferry be duly kept and attended over piquimons river from M^{rs} Annie Willsons to James Thieppenn's and that M^{rs} Wilson do keep y^e same and that no other persons presume to Ferry over any horse or men within at least five miles either above or below that place

Upon Petition of Cap^{tn} Sanderson Ordered that the Dorteskite Indians be Summoned to appear at the Next Council and y^t in the mean while John Jones do forbear to burn any Lightwood on y^e same Land

[B. P. R. O. B. T. VIRGINIA. VOL. 14. P. 55.]

PROCLAMATION FOR TAKING UP PERSONS COMING OUT OF NORTH CAROLINA WITHOUT PASSPORTS

Whereas the Governor of North Carolina hath represented to me that divers of the Inhabitants of that Province being apprehensive of an

Indian War are preparing to leave the Country whereby the said Province and the Inhabitants that remain therein will become a more easy prey to their Enemies and hath thereupon desired that some effectual course may be taken for preventing such desertion by prohibiting the entertaining any such deserters within this Province I have therefore thought fit by and with the advice of the Council to issue this Proclamation hereby requiring all Justices of the Peace, Sheriffs and other Officers within the Countys bordering on North Carolina that during the present apprehension of danger from the Indians they cause to be taken up all persons being Inhabitants of the said Province or of South Carolina who shall be found coming into any of the said Countys without a Passport from the Governor of North Carolina for the time being or such persons as shall be appointed by him for granting the same and the person or person so taken up to cause to be conveyed from Constable to Constable untill they be delivered to some Magistrate with the said Province of North Carolina, Hereby requiring all His Majesty's subjects to be aiding and assisting in the execution hereof as they will answer the Contrary at their Peril and I do appoint this proclamation to be read and published in all Court Houses and in all Churches and Chappells within the Countys aforesaid.

Given at the Council Chamber the 15th day of June 1715. in the first year of his Majestie's Reign.

A. SPOTSWOOD.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA June 12th 1715.

Sir

I was favoured with yours of Dec^r 17th 30 Cap^t Godfrey whom I have not yet seen, I believe he'll not be able to come so far up in the Country; he was but 7 weeks on the passage, I fear he is come in a wrong time, for, we are in great confusion the cause I have already given you in two letters p^r via Boston & Virginia, this comes by South Carolina and if the others failed, comes to advise that by an express, sent from thence for our aid, we are informed that the neighboring Indians fell on Good Friday last upon the Inhabitants, In the South parts of that Government

and cut most of them off. After the most barbarous and inhuman Murder of some of the principal (viz^t) Agents & Traders; who they pretend had wrong'd 'em. I wonder they should send to us, who refused to defend ourselves and had it not been for them, must have been a sacrifice to the Enemy and stand still indebted to them for their kind assistance in large Sums but equally unwilling to pay or return kindness. If all those nations be joyn'd I fear 'twill go hard with us and them too, those are numerous and a warlike people the English have taught them to beat their Masters. There have been here a Body of Strange Indians on our borders some say 40 or 50 but now we hear upwards of 200 They have pitched their Camp in that part of the Tuskaruroes Country vacated by the late Warr, seized on a Fort & Trenches which cost as much blood and not demolish (like Wise Soldiers that we are) they may annoy us but not to be subdued, we have a small body to go out 200 p^t Tributary Indians 150 are bound for South Carolina and the rest to speak with these Indians, and I fear shall catch a Tartar they have committed some hostilities against our tributary Indians, and if we attack them let the success be what it will, 'Tis more than probable we shall bring 'em upon ourselves and when joyn'd by their followers will finish the ruin of this wretched place, but I must not complain either here or in England, I've had reason too much God Knows for't and you made the same answer in effect that I have often received from this Gentry: if you compare former letters you'l easily guess at my Circumstances. My complaints have been communicated to the proprietors who are highly incensed against me, and have represented me as a Spy to the country I live in, and now I am treated little better unthankful Lords, but far more ungrateful vassals our Quaking Lords Danson & Ray were mightily offended with a letter of mine to them, which they say I had better let alone except I had written more like a Missionary: they may and ought to be ashamed of their famous Country, they would have all men do as Lawson did write whole Volumes in praise of such a worthless place: he has had his reward: all I can say to it is; there is not the like to it under the sun. Siberia in Muscovy are outed one by this: but if I know the Circumstances or the people I am of opinion this Heptarchy cannot stand long. For Gods sake use your endeavors with the Society to advance one 20 and send me credit for the same at Barbadoes or Boston. Your best way of sending to me is by way of New England order yours to be left with or under care to Jno Jekyl Esq Collector of the Customs at Boston—these are from Sir

Your most humble servant

JOHN URMSTONE

M^r URMSTONE TO THE SECRETARY.NORTH CAROLINA June 21st 1715.

Sir

Yours of December 17th @ Cap^t Godfrey I rec^d 10 days ago by which I understand I must not expect any addition to my Salary 'tis true I am allowed more than most Missionaries but then it ought to be considered that my Lot is such a Wretched Hole as is not to be parell'd, my circumstances very mean, a numerous family, obliged to buy house land servants and stock at the worst hand besides abundance of necessaries which every one must have that will live here, everything that is useful to a Farmer with Tools for divers trades and he that cannot use them himself must have others, whose demands are very exorbitant especially of me: The fate of most Clergymen. We pay 5 or 6 hundred p^r C^t for all goods imported. 20£ @ Aⁿⁿ sent in English goods yearly would have been of more service than my whole income, at the rate I have been forced to part with it, the Country will never be brought to make any provision for a Minister; they have all in general imbibed a Quaker like abhorrence of Hirelings, as averse to be at any charge in the saving of their souls as their Country; praying and fighting they equally dislike which are at this time like to prove pernicious tenets for we are now in more danger of being destroyed or driven out by the Heathen. I suppose you will have the unwelcome news 'ere this arrives of the loss of a great part if not all South Carolina, if all the neighboring Indians be joyned, the Inhabitants cannot withstand them, all endeavours have been used to send them some help, but fear our men will be attacked by the way, for the Indians are coming down upon us, have cut off some of our friendly Indians at Cape Fare, a small party have been seen within our Government so that we have too much reason to fear the worst. God knows what account my next may bring. I beg of you recommend us all to the prayers of the Society and believe me

Sir

Your unfortunate poor Fr^d

J URMSTONE

[B. P. R. O. B. T. PROPRIETIES. VOL. 30. P. 424.]

To the Right Hon^{ble} the L^{ds}Com^{rs} of Trade & Plant^{ns}

My Lords & Gentlemen,

The inclosed Letter from Carolina to the R^t Honourable the Lord Viscount Townshend, having been laid before the King, I am ordered to

transmit the same to you, & to signify to you His Majesty's Pleasure that you do forthwith enquire into the State of that Province, & under whose directions it is at present, & report your opinion on these points, as also of what you may judge may be the most proper and speedy Method of assisting and supplying them under their present Necessity. For your further Information in this matter, I herewith transmit to you a Letter I have received from Col: Spotswood Lieut: Governor of Virginia; w^{ch} being on the same Subject, I thought it might be of use to you touching your Inquiry in this Matter. I am

My Lords & Gentlemen

Your most humble &

most obedient Servant

JAMES STANHOPE.

Whitehall

July 7th 1715.

[B. P. R. O. B. T. PROPRIETIES. VOL., 9. Q. 47.]

LORDS PROP^{rs} OF CAROLINA TO LDS. OF TRADE

8 July 1715.

MY LORDS.

We receiv'd Letters two days ago from Carolina, which give us an account of the deplorable Condition his Majest^y's Subjects in that province at present are in, by an Invasion the Indians have lately made upon them, who have exercised the greatest barbarities in torturing to Death most of the British Traders That were amongst them; And the case seems to be the worse, because it does not proceed from any provocation given to them as we are inform'd but it is the Opinion of that Country, that all the Indian Nations amounting to ten thousand in number have combined to ruin, if they are not in time prevented, all the British Settlements on the Continent of America, to which Carolina is a Frontier. We the proprietors have met upon this Melancholy occasion and to our great Grief find that We are unable of Ourselves to afford suitable assistance in this Conjunction, and unless his Majesty will graciously please to interpose by sending Men, Armes, and ammunition we can foresee nothing but the utter Destruction of his faithfull Subjects in those parts. The Hon^{ble} Charles Craven Esq^{re}, Our Governor of South Carolina has behaved himself as a man of his quality ought with the utmost Bravery

and to his Conduct it is oweing, that the Country is not already taken by the enemy. We would most willingly give at our Board sufficient Security to repay to the Government such sums of money as shall be expended upon this necessary occasion, if some of our members particularly his Grace the Duke of Beaufort, and the Right Hon^{ble} the Lord Craven cou'd by reason of their Minority be bound Whatever assistance is by his Majesty's Goodness afforded, we hope may be speedily sent, We retain one ship on purpose to carry armes, and others shall we procure to go at a Days warning. We have consulted General Nicholson who has commanded forces against these Indians and he gives in the following estimate as necessary for the Defence of the Province, viz^t three hundred barrels of powder fifteen hundred Musquets with Bayonets two thousand Cutlasses, forty Cohorn mortars with hand Grannadoes Co^l Nicholson is likewise of opinion, that it will be highly necessary, that all his Majesty's Subjects in the several Colonies upon the Continent be by proclamation prohibited to sell any Armes, ammunition &c to the Indians and that the French and Spanish Ministers may be desired to give the same Directions to their respective Colonies in those parts. All which is recommended to Your Lordships Wisdom, and we intreat Your Lord^{ps} to make a Report to the Secretaries of State Or Council as soon as You can conveniently.

We are My Lords

Your Lord^{ps}

Most obedient

Humble servants

CARTERET Palatin

JAMES BERTIE for Beaufort

J COLLETON

S^t James's july the 8th 1715

Since this was wrote We have receiv'd from Your Lord^{ps} a L^re and shall be ready to attend You, on Monday morning next, if it suit with your Lord^{ps} Business or any other Day that You shall appoint

(Endorsed)

Rec^d 11th July } 1715 Q 47
Read 12th Do }

[B. P. R. O. B. T. VOL. 5. NEW YORK. BDLE. 4.]

COLONEL HEATHCOTE TO LORD TOWNSEND

MANOR OF SCARSDALE July y^e 12th 1715.

My Lord

I am sorry that what I foretold in my private letter to your Lordship in March past proves a truth, as that the French had for some time & were then with great diligence laying their designs with the help of the Indians, on the first breach, to cutt off & become masters of these parts of his Majesty's empire, & gave your Lordship my reasons for being of that opinion. It will be altogether needless to trouble your Lordship with any duplicate of that letter, because I sent the same by two several conveyances & doubt not of its having come to hand. The perticular accounts of the Callamitys of Carolina your Lordship will undoubtedly have had from the Governor there, with much greater exactness then I can pretend to do it, but 'tis very certain that all those poor people are drove from their settlements into Carlestown and other fortyfied place and there starving & in great distresse, nor have I yet heard that the Governments of this Continent have done anything for their relief & assistants. Besides the flames w^{ch} have broke out in those parts, the fire is beginning nearer us; the French haveing as I am credibly informed, enter'd our Onondagoes country, with intent to build a fort there, & cutt off our trade & communications with the Five Nations of Indians. Had they not very good assurances of debauching our Indians they would not have made so bold an attempt. What steps are taken to prevent the mischievous consequences of it your Lordship will undoubtedly receive by this vessell, w^{ch} haveing been for sometime out of town, is unknown to me; but that I might not be wanting tho' at this distance to do what good I could, I sent Coll Hunter our Governor my thoughts by letter, of w^{ch} the enclosed is copie. I have as yett received no answer from him, so don't know what conclusion he has drawn upon it, and the Man of War talking of sayling this week, durst not adventure to stop this longer. If anything should be resolved on upon it, here and afterwards att home, what ever directions are given to the severall Governments, it must be done in so full a manner that they may not dare to dispute His Majesty's orders; of w^{ch} we have formerly had examples enough. For when in King William's time the war lay wholly on this Province & Coll. Fletcher then our Governor obtain'd an order from His Majesty for Virginia, Maryland, Connecticut & other Govern^{mts} to send men & money for our assistance, they all of 'em found ways to evade it; & the French who were no strangers to our

Constitution, were always so crafty, as not to suffer their Indians to make war on more than one Province or Collony at a time; & the others were so besotted, as allways to sit still. For when the French for many years pressed our Frontiers, our neighboring Government of Connecticut, whose towns lay as much exposed & seemingly as much danger as ours, being unmolested, they refused giving any assistance, & could patiently bear to see our settlement destroyed & people murdered, & when towards latter part of the war our Indians & those of Canada had agreed not to molest either of the frontiers, then the French made war on Connecticut, & we as kindly refused to assist them & satt quiett while their towns were cutt of & lay'd in ashes, & abundance of their people kill'd & tortured: & after this unaccountable managem^t on our side, the crafty French, who are but a handfull in comparisson of the English, on this Continent have generally out done us. My Lord, did I not apprehend our danger to be very great, & his Majesty's subjects here on the brinke of ruine, by w^{ch} meanes these vast countreys, w^{ch} in time would become by much the most vallewable jewells belonging to the British crown abroad, will be lost and destroy'd, & yet the designes of France are very near being ripe for our ruin, I would not have presumed to have been thus troublesome to your Lordship, for w^{ch} I do very heartily ask pardon begging leave to assure your Lordship that I am with all imaginable regard. My Lord

Your Lordships most obedient

humble servant

CALEB HEATHCOTE.

The Right Hon^{ble} the Lord Viscount
Townsend His Ma^{ty}s Principle
Secretary of State.

[B. P. R. O. B. T. PROPRIETIES. VOL. 9. Q. 48.]

LDS. PROP^{rs} OF CAROLINA TO LDS OF TRADE.

15 July 1715

My Lords

We received your Lordships letter last Night And in Answer to the several Questions therein propos'd to us by your Lord^{rs} We say

1st That we have given Orders to the government of South Carolina, immediately upon the Receipt of our Letters to imploy such goods and Effects as Our Receiver has in his hands (which we conceive may amount to near two thousand pounds) towards procuring arms and ammunition for the Defence of that Government

2^d That the Assembly did send in May last to the Value of two thousand five hundred pounds to New York, New England &c for the purchasing of arms and ammunition to enable them the better to defend themselves against their Indians Enemies, that whatever effects, we have from thence lately receiv'd, shall be as soon as may be despos'd of and the produce thereof apply'd to the publick Use of the province. There is a vessel lying in the River and now ready to sail with our orders, of about one hundred ton Burthen and that others will be sailing in a very short time after

3rd If his Majesty shall be Graciously pleased to send his Royal Orders for any men from his Majesty's Garrisons in North America, We do not doubt, but the Government of Carolina will send ships and Provisions for their Transportation.

4th That it is humbly submitted to his Majestys great Wisdom, What sum of Money his Majesty will be pleased to grant for our assistance And great care shall be taken when the province can be resettled, that the same shall be repaid from the Effects and produce of the country as soon as may be

5th If the Lords who are not Minors should surrender for themselves that would give the King no better Title than he has already, for the Title of the Miners wou'd still subsist. And that in case the money advanced as aforesaid by his Majesty shall not in a reasonable time be repaid. We humbly conceive his Majesty will have an Equitable Right to take the Government into his immediate protection. That the Proprietors have continually supported and defended the Government when attack'd by the French or any other Enemy. That neither his Majesty nor any of his predecessors have ever been at any Charge for the supporting or defending the province of Carolina from the first grant thereof to the proprietors, which is about fifty years; And the proprietors hope when this War is over, his Majesty will never have any further trouble, for any Charges or any expenses whatsoever. We are

My Lords

Your Lords^{ps}

Most obedient and

Most humble Servants

CARTER Palatin

M ASHLEY

T. COLLETON

J DANSON

St James's

July y^e 15th 1715.

(Endorsed)

Reced }
Read } 15 July 1715

[B. P. R. O. B. T. JOURNALS. VOL. 25.]

WHITEHALL. Friday July 8th 1715.At a Meet^s of H. M. Com^{rs} for trade & Plant^s

Present

M^r MolesworthM^r ChetwyndM^r CokburneM^r Cooke

A letter from M^r Sec. Stanhope of the 7th inst. transmitting to the Board two letters one from M^r Craven Gov^r of Carolina dated 23rd May last the other from Col. Spotswood Gov^r of Virginia dated 27th of same month relating to Hostilities committed by the Indians in Carolina was read together M^r Craven's and Col. Spotswood's said letters; thereupon a letter was immediately writ to the Lords Proprietors of Carolina inclosing copies of the last mentioned letters and signifying this Board's desire of an opportunity to discourse with them thereupon any morning the next week that their Lordships shall appoint.

July 13th 1715.

The Lord Carteret one of the Lords Proprietors of Carolina coming to the Board with M^r Kettleby, M^r Johnson & M^r Shelton the letter from M^r Sec^{ry} Stanhope of the 7th inst. mentioned in the Minutes of the 8th referring to the Board two letters one from M^r Craven the other from Col. Spotswood relating to an Insurrection and Hostilities committed by the Indians in Carolina was again read, thereupon the Lord Carteret acquainted the Board that the Lords Proprietors had petitioned his Maj. for some assistance towards the preservation of the said Province which they are unable to support of themselves, the minority of two of the Proprietors making it impossible to raise money by mortgaging their Charter that their Charter will be a virtual security for what His Majesty shall please to advance them in arms ammunition & other necessaries for the defence of the Province tho' it will not be so to any private persons That besides what is mentioned in the Lords Proprietors letter of the 8th inst. they were informed that six small field pieces or rather some Harquetusess were necessary to be sent as soon as possible and his Lordship desired the Board would please to represent to his Maj. the extremities to which the Colony is reduced and what his Maj. may fitly do for their present relief.

M^r Johnson observed that tho' Carolina is at present under Propriet^{rs} it is a frontier to the Colonies under his Maj. immediate government and

therefore he hoped his Maj. would please to send the supply of Arms &c. as desired

The Board then desired my Lord Carteret would please to let them have in writing any further particulars he should necessary to move his Maj. for on this occasion

July 14th 1715

M^r Sec. Stanhope came to the Board who had some conference with him in relation to the present state of Carolina and the relief to be given to that Province upon the invasion and hostilities committed by the Indians after which the Lord Viscount Townshend coming likewise to the Board he acquainted them that the Lords of His Maj. Cabinet Council desired their attendance at his Lordship's Office, Whereupon the Board went accordingly & being returned a letter was immediately writ to the Lords Proprietors of Carolina with several Queries for their Answers in writing tomorrow morning and desiring their Lordships will please to come to the Board at the same time

Ordered that M^r Banister, M^r Byrd and M^r Shirrif be desired to attend the Board tomorrow morning

July 15th 1715

The Lord Carteret and M^r Asheley two of the Lords Proprietors of Carolina coming to the Board as desired, a letter from their Lordships in answer to the Queries sent them yesterday relating to the present condition of that Province and relief to be sent them was read and their Lordships entering into conference thereupon the Lord Carteret was pleased to say in relation to the 2nd Query, that the effects they had lately received from Carolina were rice and might be disposed of for about four hundred pounds sterling which they were willing should be applied towards paying (for the arms now proposed to be sent. That 1500 or even 1000 musquets cannot be immediately furnished here but by his Maj. office of Ordnance & if the Government think fit to give them credit on this occasion their said effects will be so far a security towards the payment of them. That they are not sure of being supply'd with arms and ammunition from New England & New York &c. to which places the Assembly of Carolina have sent the value of 2500 pounds as mentioned in their Lordships Answer to the said 2^d Query and therefore they desire credit from his Maj. who will always have an equitable demand on the said Propriet^{rs} and have that influence over their charter which no private person can nor for that reason will any such persons lend money upon the said charter His Lordship being then asked if Carolina was not already indebted to Virginia for assistance upon a former occasion He said it was but he knew not exactly how much However he did not doubt but that

they should make Virginia amends and likewise be able after the present exigence to repay His Maj. and the public what should be now advanced. His Lordship hereupon took notice that Col. Spotswood acted prudently as Gov. Virginia in sending assistance formerly to Carolina it being better to fight an enemy at a distance than within his own Govern^{mt} As to provisions the Lords Proprietors were of opinion there would not be occasion to send any to Carolina from hence.

In relation to the 3rd Query it was observed to the said Proprietors that Transport ships to be sent from Carolina to fetch what men his Maj. might think fit to order for Carolina from any of the Northern Colonies would have too long a voyage and come too late for the intended service Whereupon the Lord Carteret said that the Proprietors did not desire any men but if the King would send some, Merchant ships might be found here to transport them *but that the Proprietors were not able at present to hire such ships themselves* & therefore they pray'd credit from the govern^{mt} to enable them to do it—It was then desired of them to signify what number of men would be necessary—The Lord Carteret said about 500 would be sufficient But the said Proprietors declaring that they expected the Officers who should command the men to be sent from hence should be subject to the directions of their Gov^r of Carolina, the Board took notice of the difficulty that would arise at his Maj. Officers submitting to the orders of any person not in immediate commission from him As to the subsistence of any men to be sent to Carolina the Lords Proprietors declared they did not doubt but the Province would maintain them for the time they should have occasion to be there.

In further Answer to the 4th Query the Lords Proprietors desired 300 barrels of powder 1500 musquets with Bayonets 40 Cohorn Mortars with hand Granadoes and said that the demand for the present service would not amount to £5000.

And upon the 5th Query relating to their Lordships surrendering the government of the said Province, they said they were willing to do it for an equitable consideration and not otherwise. That they thought any particular Proprietor surrendering his right would be to advance the interest of the rest That their Lordships Ancestors had been at very great expense in settling and improving this Colony which in customs on the product thereof had been of considerable benefit to this Kingdom there being annually produced in Carolina as the Lord Carteret informed the Board 3000 tons of rice one third of which is spent in the country and the customs on the other two thirds imported here amount to £10,000 ^{per} annum or a greater profit to this Nation if the said rice be re-exported

by the returns, fifty thousand deer skins the duties whereof are one thousand pounds besides great quantities of pitch tar and other Naval Stores That their Quit rents amounting to about £2000 per annum that country money, are applied to the payment of the Gov^rs salary which is £300 per annum and for maintaining the other public Officers in that Governm^t That a duty is raised in Carolina of a penny per skin exported which is applied to the maintenance of the Clergy there That in 1707 when Carolina was attacked by the French it cost the Province twenty thousand pounds and that neither His Maj. nor any of his predecessors had been at any charge from the first grant to defend the said Province against the French or other enemies.

[B. P. R. O. B. T. PROPRIETIES. VOL. 9. Q. 49.]

TO THE RIGHT HON^{ble} Y^e LORDS COMMISSIONERS FOR
TRADE

(18th July 1715.)

We the underwritten the agent for Carolina and Merchants trading thither, beg leave humbly to represent to your Lordships the deplorable condition of that Colony and that unless it is speedily reliev'd it must inevitably perish and all his Majestys Subjects there fall a Prey to their barbarous Enemies.

Most of us have great Debts and Effects there, some of us large plantations and the Loss of these wou'd be considerable; But when we reflect upon the Ruine of so flourishing so hopeful a province that has for many yeares taken off so much of our English Manufactures, and brought such a large Revenue to the Crown by the Dutys upon Rice, Skins, pitch Tar and other Naval Stores & Commoditys imported from thence, and yet from the first Settlement of it, not put the Crown to one penny Expence, When we reflect upon the loss of so many English mens Lives, Persons who have always behaved themselves dutifully to the Crown and never by any act forfeited their Right as Subjects to a protection and yet are now in imminent Danger of being massacred by Savages and perhaps of being roasted in slow Fires scalp'd stuck with Lightwood and other inexpressible Tortures. When we reflect upon this general Revolt this concerted Defection of the sev^l distant Indian Nations, who never yet had policy enough to form themselves into Alliances, and cou'd not in all Probability have proceeded so far at this time had they not been incur-

aged, directed and supply'd by the Spaniards at Fort Augustin, and the French at Moville, and their other Neighbouring Settlements That Carolina being the Frontier of all the other English Settlements upon the Continent, If that should miscarry all the other Collonys wou'd soon be involv'd in the same Ruin, and the whole English Empire, Religion and name be extirpated in America.

These dreadful Considerations, My Lords, supersede our present concern for particular Losses and make us apply to your Lordships for immediate relief and Assistance against this publicke Calamity.

According to our best and latest Advices, Our men, who at first were successfull against the Indians being at last over fatigued and harrass'd with their marches and counter marches in the woods have been defeated in two several Engagements, and the Indians have posted themselves at Edistow River to the Southward, and at Goose Creek to the Northward, in the very midst of our Settlements so that Charles Town, the only defencible place in the Province is in a manner block'd up and the Enemy in the mean time exercises a licentious Cruelty in ravaging burning, murdering and torturing all before them.

The Town being fortify'd may perhaps hold out some months but in what a miserable Condition must the poor People be, drove from their Plantations, imprison'd between mud Walls stifled with excessive heats, appress'd with Famine, sickness, the Desolation of their Country Death of their friends. Apprehension of their own fate, despairing of Relief, and destitute of any hopes to escape. They have indeed sent to New England to buy some arms and ammunition there of which they are in very great Want, and the Lords proprietors have sent Order to their Receiver to apply all their Effects in his hands to the use of the Publick and have likewise given Direction that several hundred pounds worth of Goods, which have been lately remitted to them here, shou'd be sold and the produce thereof immediately sent back towards their Assistance These indeed are great Instances of Generosity and Goodness in their Lordships, but the Enemy is above twelve thousand strong, plentifully furnished with arms, ammunition and provisions and assisted by the French and Spaniards as we have reason to apprehend and the English not above two thousand able to bear arms their negroes not above sixteen thousand, some of which might be armed in our Defence if we had any arms to supply them withall, But in that too there must be great Caution used, lest our Slaves when arm'd might become our Masters.

See this Exigency therefore We have nothing left to do but to throw ourselves at his Majesty's feet on the behalf of that distressed province

humbly praying by your Lordships. Mediation, that some men arms and ammunition may immediately be sent to their Rescue Immediately, or else it will be too late.

What Quantity of arms and ammunition will be sufficient has already been laid before your Lordships in an Estimate made by Gen^l Nicholson, We think some Harquebusses and Deakes shou'd be added, besides what the General has mentioned because according to our last accounts, there will be a necessity of erecting Forts near the out settlements for our future Security.

There is a Ship now lying in the River call'd the Industry of one hundred tons Burthen, John Woddin Comander; ready to sail to Carolina, and only stays at our Request for the immediate transportation of such Arms and amunition as his Majesty will graciously please to furnish us withall.

This with some new assurances of a speedy Reinforcement of men, may, we hope, encourage them to hold out a little longer but if this ship shou'd go thither in Ballast and bring them nothing more solid than words or promises of Assistance, We are apprehensive, Despair wou'd suggest to them that their Miseries tho known here, were not duly regarded, and that there was no Prospect of any timely Relief, and that their only Way was at once to desert the Province and each shift for himself. What the consequences of this wou'd be to all America, we leave to your Lordships Consideration.

As for the number of men we think eight hundred will be at least sufficient and that they need not stay there longer than eighteen months. In that time our out ports may be made defensible and our savage enemies pretty well reduced the Country reestablished and the Planters inabled to reap the fruits of their Labours and if there should be any farther Occasion for them we hope the Country by that time may be in a condition to subsist them. It will be impossible for the Country so impoverished at present to do anything towards paying or subsisting the soldiers but if they are supply'd hence with a sufficient Quantity of meal there can be no want of other provisions All Parts of the Country abounding with Plenty of the best sorts of Flesh, Fish, and Fowl.

What Number of Ships will be sufficient to transport these soldiers thither we must submit to your Lordships judgment. We humbly apprehend that it will be proper for his Majesty to order a Proclamation to be published in all the English Colonys prohibiting any Person under Penalty of Death to furnish the Indians that now are, or hereafter shall be at war with us with any manner of warlike Stores, Guns or Gunpowder

My Lords nothing but the utmost Expedition can save us and besides the immediate Exigency of our Circumstances, this is now a proper Season for Voyages to those Parts We return your Lord^{ps} many thanks for the great Concern your Lordships have expressed for the sufferings of his Majesty's Subjects, and your hearty Inclinations to have them speedily relieved; We desire your Lordships to represent these things effectually to his Majesty and to do what lyes in your Lord^{ps} Power to have those Succours immediately sent which will be an act of Humanity as well as justice, and put all persons who have any Interest in or wish well to America, under the highest Obligations of Gratitude to your Lordships, and in a most particular manner

Your Lordships most humble servants

ABEL KETELBEY

JOSEPH BOONE

M SAMUELE BARON

MICH COLE

JOHN LLOYD

JOHN PAYNE

JOHN BELL

W^m WRAGG

JOSEPH WRAGG

EDWARD CRISP

GEO LIVINGSTONE

W^m NEWBURY.

STEPHEN GODEN

H WIGGINTON

RICHARD HIGGINSON

JAMES CRANE

DAV^d GODIN

PHILL WOODWARD

DAVID GUIRARD

ANDRE BOW

JOHN METCALFE

SAMⁱ PICKERING

ROB^t JOHNSON

AND PERCIVALL

(Endorsed)

Rece^d }
Read } 18th July 1715

[COUNCIL JOURNAL.]

Att a Council holden at y^e Hon^{ble} the Governo^{r's} house at Sandy point
Sep^{br} y^e 13th 1715

Present The Hon^{ble} Charles Eden Esq^r Gov^r Capt Gen^l & Adm^l

The Hon^{bles} { Nath Chevin
W^m Reed
Chris Gale
T Knight } Esq^r Lds prop^{trs} Dep^{tys}

Ordered that a proclamacon be Issued out for y^e Assemblys meeting at Cap^{tn} Richard Sanderson in Little River instead of the Church in Chowan which was the place of y^e last meeting

The Governo^r haveing made known to this Board that the Core Indians have made a Revolt and Dangerously wounded one of his Maj^{ties} Subjects named Robert Shreive. It is y^e Opinion of this Board that the said Action is a violation of the peace lately made wth y^e said Indians and that proper measures may and ought to be taken for the Entire Destruction of y^e Said nation of Indians as if there had never been a peace made with them and for the Security of Nuse river it is the further Opinion of this board that the Tenn Troupers with as many Indians as y^e Governo^r shall Judge necessary to be allowed for y^e Garrison at Co^{ll} Brices to Range upon y^e Frontiers and to be in a Constant readiness upon any alarm y^t shall be made.

George Thompson haveing preferr'd a petition to this board setting forth his quallifications fitting himsele for a Pilot of Ronoak Inlett and praying he may be appointed to that trust This Board haveing Examined the said Thompson and finding him very Well acquainted with that Inlett and that he has Fitted himsele with a good Boat and Two able young men to attend y^e said Business have

Order'd that the said George Thompson be appointed Pilot of Ronoak Inlett and that no person else for hire presume to Pilot any Forreign Vessell from y^e Inlett without having first passed his Examinacon before this board and have a War^t from y^e Governo^r for that purpose as they'l answer y^e Contempt at their perills

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

THE SECRETARY TO MR COMMISSARY JOHNSTON.

September 16. 1715

Reverend Sir

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I am directed to acquaint you that the Society have lately received a Letter from Governor Eden dated from North Carolina complaining of the great want of a good Missionary to officiate there, there being but one Missionary Viz^t M^r Urmstone in all that Government

The Society have considered thereof and being of opinion by the account they have received from your parts that several of the Parishes in

South Carolina where Missionaries have been sent are totally deserted and not likely to be soon settled again they have thought fit to order that you with the advice and approbation of the majority of the Missionaries do appoint one of your number (a single man and one who has been obliged to leave his Parish) forthwith to repair to and officiate as the Society's Missionary in North Carolina of which you will inform the Society by the first opportunity; so wishing you all a happy deliverance from the troubles you lye under

I am &c

W. T.

[B. P. R. O. PROPRIETIES. B. T. VOL. 10. Q. 57.]

MEMORIAL FROM M^r KETTLEBY AND SEVERAL MERCHANTS TRADING TO CAROLINA RELATING TO SOME INDIANS TRADING GUNS PREPARING TO BE SENT FOR VIRGINIA, WHEREWITH THEY APPREHEND Y^e INDIAN ENEMY MAY BE SUPPLIED.

The Right Honourable the Lords Commissioners of Trade and Plantations.

We the Agents of Carolina and Merchants trading thither, begg leave to acquaint your Lordships that We have an Account of several considerable Quantities of Indian trading guns, which are bespoke and ordered to be got ready for Virginia

Though we cannot in Justice and Gratitude but acknowledge the honorable Behaviour of the Governor of Virginia and his readiness to assist our Province Yet we have too much Reason to fear that their private Indian Traders will have more regard to their own gain, than the security of their distressed Neighbors, or the Publick good: and will endeavour to make their advantages by selling arms and ammunition to our Indian Enemies, who according to our last accounts, begin to want a supply thereof.

Whether the Governour by his own Authority, without any directions from his Majesty or your Lordships will or can Effectually prohibitt the Indian Traders from furnishing our Indian Enemies with Gunns or Gunpowder We cannot tell; And therefore humbly repeat our Instances to your Lordships, that such proper Methods may be forthwith taken, as

your Lordships shall think most conducive to prevent the Virginians and other Inhabitants on the Continent, from supplying the Indians that now are at warr with Carolina or may hereafter join against us with any Gunns Gunpowder or other warlike Stores under the Severest penalties.

We are the more urgent upon this Head, because the safety of the whole Province seems in a great measure at present to depend upon it: We have not as yet been able to obtain any relief any arms or any men from England: Our last advices give us grounds to apprehend, that some men, which were ordered from North Carolina to our assistance, are cut off by the Enemy and that an Inundation of Indians will fall down upon the Settlements, now about the beginning of Harvest: if so, nothing can save us, but their want of Ammunition.

Your Lordships zeal and Readiness for the relief of Carolina encourages us to apply to your Lordships upon this occasion not doubting but your Lordships will continue your good endeavours for preserving the Province and thereby lay new obligations

Your Lordships

Most obedient humble servants

W^m RHETT JUN^r

RICHARD HIGGINSON

JAMES DEANE

MICH: COLE

HENRY DANREL

STEPH: GODIN

JOHN STYLEMAN

ABEL KETELBEY

JOHN LLOYD

SAMUELL BARON

NAT^l BRADLEY

ROB^t JOHNSON

W^m WRAGG

JAMES KINLOCK

ANDRE BOW

JOSEPH WREN

(Endorsed.)

Rec^d }
Read } 16th Sept^r 1715 Q 57

[B. P. R. O. B. T. VIRGINIA. VOL. 14. P. 54.—EXTRACT.]

LIEUT. GOV. SPOTSWOOD TO LORDS OF TRADE.
24. OCTOBER 1715.

VIRGINIA October 24th 1715.

My Lords,

* * * * *

There are now two Gentlemen come as Agents from South Carolina to treat with this Government for a further assistance of Men; but the

treatment those already sent have found there has entirely disabled me (tho' I were never so willing) to afford them further succours; for tho' the chief encouragement for raising the men here, was the promise of that Government to send hither an equal number of slaves to work on their Plantations during their absence, yet not one hath been sent, nor any great prospect of their being sent at all, so as to do the service expected of them: Another condition was that, the Virginians should be commanded by their own Officers, and should act in one body, but even that also is broke, the Governor of Carolina not allowing of my Commissions, and disposing the men into Garrisons remote from one another. And in short almost every one of the Articles are violated, and such complaints from the men, of ill usage, in respect of the pay and cloathing promised them, that I am persuaded I could not find one man in this Colony that would ingage in that service. And as this body of 150. men sent to South Carolina, is the first assistance of that kind which I can understand has been given by any of His Majesty's Plantations here to the other, So I am afraid the great discouragements this hath met with will make it the last. And it is the more ungrateful in the Government of Carolina to treat our men in this manner, considering the signal service they have done them; for while the Governor had drained all his Garrisons for an Expedition against some Indians to the North West, about 700 Indians fell upon the Southern parts of the Province, and destroy'd all before them, within a few miles of Charlestown, but the Forces sent from hence arriving just at that time, immediately march'd, met with and defeated that Body of Indians; and 'tis to them that the preservation of the rest of the Country is owing: but the Treatment of the Virginia Forces may be easily accounted for from the alteration of the Carolina Affairs, which are not now under the unhappy situation they were in, when these men were raised; for since the last defeat, the Indians appear no more on their Frontiers, and the Northern Nations ceasing their Hostilities and suing to this Government for Peace 'tis probable the others will soon follow their example.

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I am with all dutifull respect

My Lords

Your Lordships

Most obedient

most humble servant

A. SPOTSWOOD.

[COUNCIL JOURNAL.]

NORTH CAROLINA SS.

Att a Council holden at y^e house of Cap^{tn} Richard Sanderson in Little River on Wensday the 23^d day of Novem^{br} Anno Dom 1715

Present the Hon^{ble} Charles Eden Esq^r Governo^r Cap^{tn} Gen^l & Adm^l

The Hon ^{bles}	{	Nath Chevin	} Esq ^r Lds proprieto ^{rs} Dep ^{ties}
		W ^m Reed	
		Chr Gale	
		Fra ^s Foster	
		T. Knight	

Upon Petition of Jonathan Seares Setting forth that a Tract of Land Lying between Meherring River & Creek was formerly Granted by Patten^t to Tredle Keeffe is Laps'd for want of setting in Due time and prays the same may be granted to him

Ordered that the same be granted as pray'd for

Upon Petition of Divers of the Inhabitants of Bath County praying a Longer time for the payment of Security of their moneys due for the purchase of y^r Lands It is

Ordered that no more Laps patten^ts be granted out of y^e Office untill the Twenty Fifth day of June next and that a proclama^{ti}on do Issue out to give Notice to y^e Inhabitants of that County thereof

The Hon^{ble} the Governo^r haveing Laid before this board Some proposals agreed to between himselfe and Govern^r Spotswood relating towards Settling the Boundaries between both Governments It is the Opinion of this board that y^e same is for y^e Interest of this Govern^t and y^e Propri^{ts} and therefore is highly approved of and this Board doe Request the Govern^r to signe y^e same as soon as may be

Upon Petition of y^e Porteskill Indians Setting forth that they had Sold Some small Tracts of y^e Land to M^r John Jones Isaac Jones & Cap^{tn} Richard Sanderson & also y^e Lightwood on y^e Land to Cap^{tn} Sanderson and prays that they may have liberty To Confirm their Titles to y^e same Land and Lightwood

Ordered that the said Indians are hereby impowred to make good and sufficient Titles to y^e aforesaid John Jones Isaac Jones and Richard Sanderson for Such Lands and Lightwood as they have already sold to them provided y^e said Lands nor any part thereof doe come within y^e Line or Boundaries of y^e Land formerly sold by the said Indians to Coll W^m Reed and also that they on no pretence whatsoever doe sell or dispose of any more of their Lands nor that any person presume to Bargain Contract or agree wth the said Indians for any more Lands without Leave

first had and obtained from this Board for so doing and provided alwayes that the said Indians have free Liberty to hunt on any of the said Lands so sold as aforesaid without any molestaõn of y^e said John Jones Isaac Jones Cap^{tn} Sanderson or their Heires or assignes

[B. P. R. O. B. T. VIRGINIA. VOL. 60.]

JOURNAL VA COUNCIL

1 November 1715

For the better and more speedy determination of the dispute concerning the boundarys between this colony and North Carolina, it is the opinion of this Board that it be proposed to the Governor of North Carolina to agree that from the mouth of Carratuck River or Inlet and setting the compass on the North shore thereof, a due west line be run and fairly marked, and if it happen to cut Chowan river between the mouth of Nottoway river and Wiccon Creek, then the same direct course shall be continued towards the mountains, and be ever deemed the dividing line between Virginia and Carolina, but if the said West line cutts Chowan River to the Southward of Wiccon, then from that point of Intersection, the bounds shall be continued up the middle of Chowan River to the entrance of the said Creek, and from thence a due west line shall divide the two Governments; as on the other hand, if the said West line cutts Black water River to the Northward of Nottoway, the bounds shall be continued down the middle of Blackwater, to the middle of the entrance of Nottoway River, and from thence the line to be run due West for the dividing bounds between the two Governm^{ts}. That if the said due West line shall pass thro' Islands or small strips of Land which might more conveniently be included in the one Province or the other by natural water bounds, the Commissioners of both sides shall have power to settle natural bounds and that all such variations from the West line be particularly noted in the Maps of the said Bounds to be put upon the Records of both Governments.

[LAWS OF NORTH CAROLINA, MSS. REVISAL 1715, CHAPTER 3.]

AN ACT TO ENCOURAGE THE BUILDING OF MILLS.

Be it enacted by his Excellency the Pallatine and the rest of the true and absolute Lords Proprietors of Carolina by and with the advice and consent of the rest of the Members of the General Assembly now met at Little River for the N^o East part of the s^d Province And it is hereby enacted that if any person or persons shall be desirous to build a Grist Mill, either Wind Mill or Water Mill, within this Governm^t it shall be lawful for the Surveyor General or his Dep^y by a warrant from the Precinct Court to lay out for such person or persons so desiring to build a mill two acres of land for a Water Mill and half an acre for a Wind Mill in such manner as for that use shall be most convenient upon or out of any man's land which said land shall be appraised by four honest men of the neighborhood appointed by the Precinct Court who shall make a true return of their appraisement upon oath to the same Precinct Court and the owner of the said land for the consideration money by the said Appraisers appointed shall be bound to make a conveyance of the same land to him or them that build such Mill or Mills their heirs or assigns with liberty of egress and regress to and from the same under this condiçon and express limitaçon and provision that such person or persons to whom the said lands shall be conveyed do erect build and finish on the land so conveyed a substantial working Mill within the term of two years after the date of the conveyance to be void and of none effect.

Provided always that the Court shall first give the owner of the land notice of the moçon of any person to build a mill on his land and if the owner will give security to build a substantial working Mill on any part of his land then the moçon of such person or persons to be rejected. And also provided that in the laying out the aforementioned two acres or half acre no person's garden or orchard be injured thereby.

And it is hereby further enacted by the authority afores^d that whosoever shall build such mill or mills shall have liberty to make use of any timber for that purpose on any lands adjacent, making full satisfaction to the owners thereof and to be appraised as is afores^d. And it is further enacted that all such mills as are or shall be built as afores^d shall be deemed Publick Mills and the owner thereof or such as occupy and use the same shall be obliged as soon as their turn comes in course or as possibly they can to grind wheat and Indian corn for all such persons as shall require the same and shall take care that the same be forthcoming

again to the owner on demand the lawful Toll only excepted under pain of double the value to be immediately levied by a warrant from the next Justice of the Peace and paid to the party injured which being well ground without any fraud or deceit they shall not have or exact any larger or greater toll than one eighth part of wheat and one sixth part of Indian corn under the penalty and forfeiture of ten times the value of the wheat or corn so brought to the mill, one half to the Poor of the Parish the other half to him or them that shall sue for the same to be recovered by acc^{on} of Debt, Bill, Complaint or Informa^{on} made to the Precinct Court, wherein no injun^{on} or wager of Law shall be allowed or admitted of.

EDW^d MOSELEY
Speaker

CHA. EDFN
N. CHEVIN
C. GALE
FRANC^s FOSTER
T. KNIGHT

[LAWS OF NORTH CAROLINA, MSS. REVISAL OF 1715, CH. 8.]

AN ACT FOR ESTABLISHING THE CHURCH & APPOINTING SELECT VESTRYS.

This Province of North Carolina being a member of the Kingdom of Great Britain; & the Church of England being appointed by the charter from the Crown to be the only Established church to have Public encouragement in it: Wee, therefore, to express our gratitude to the R^{te} Hon^{ble} the Society for promoting the christian Religion in Forreign parts, and their Zeal for the promoting our Holy Religion by making such provisions for the building of Churches & Chappels & maintainance of the Clergy as the circumstances of this Government will admitt, Do pray that it may be enacted, And

Be it Enacted by his Excellency the Palatine &c. It is hereby enacted that this province of North Carolina be divided into parishes according to the Divisions & precincts hereafter men^{on}ed that is to say—Chowan precinct into two parishes, to be divided by Albemarle Sound & Chowan River & shall be distinguished by the names of the Eastern parish of Chowan & the South West parish: Pasquotanck precinct into two parishes to be divided by Pasquotanck River & shall be distinguished by the names of the North East parish of Pasquotanck & the South West par-

ish of Pasquotanck: Perquimins, Carrituck & Hyde to be parishes & bounded by the limits of the several precincts: The remaining part of Pamplico River and the Branches thereof, commonly called Beaufort precinct to be one parish by the name of St. Thomas parish: And Nuse River & the Branches thereof by the name of Craven parish to which all the Southern settlements shall be accounted a part of the same parish untill further Divisions be made.

And Be It Further Enacted by the authority aforesaid that there shall be a Vestery in each & every of the aforesaid precincts and parishes consisting of the Ministers of the parish, when any such shall be there resident, & Twelve men whose names are hereafter mentioned.

Eastern Parish of Chowan Precinct.

The Hon. Chas. Eden Esq.

Col. Edw^d Moseley

Cap^t Fred^k Jones

Maj. Tho^s Luten

Cap^t Nich: Crisp

Mr. Tho^s Bray

Mr. Jas. Tarloe

Capt Henry Bonner

Mr. John Blount

Mr. Sam^l Padget

Mr. Tho^s Garrett

Mr. John Jordan

So: West Parish of Chowan Precinct.

Col. Tho. Pollock

Col. Wm. Maul

W^m Duckenfield Esq.

Maj. Rob^t West

Cap^t Jn^o Bird

Mr. Jno. Hardy

John Worley Esq.

Mr. Lewis Bryant

Mr. Jno. Holbrook

Mr. Rob^t Lanier

Mr. Len^d Sarson

Mr. Lewis Williams

Perquimans Parish.

Francis Foster Esq.

Col. Maurice Moor

Col. Jn^o Hecklefield

Thomas Hardy Esq.

Capt. R^d Sanderson

Mr. Ja^s Mings

Mr. Henry Clayton

Mr. Jos. Jessop

Mr. Sam^l Phelps

Mr. Richard Whidby

Mr. Wm. Kitchmy

Mr. John Stepney

So: West Parish of Pasquotank Precinct.

Nath^l Chevin Esq.

Col. Tho^s Boyd

Tobias Knight Esq.

Mr. Antho. Hatch

Mr. Jonathⁿ Jacocks

Mr. Jn^o Palin

Mr. Jn ^o Jennings	Mr. W ^m Norris
Mr. Rich ^d Wadren	Mr. Rob ^t Lowry
Mr. Edm ^d Gale	Mr. West

N^o East Parish of Pasquotank.

Thomas Miller Esq	Mr. Gab ^l Burnham
Mr. Jn ^o Solley	Mr. Tho ^s Sawzer
Mr. Jn ^o Relfe	Mr. Henry Sawyer
Mr. Jn ^o Bell	Mr. Alen ^r Spence
Mr. Sam ^l Bernard	Mr. Rob ^t Sawzer
Cap ^t Jn ^o Norson	Mr. Jno. Upton

Corratuck Precinct Parish.

Rich ^d Sanderson Esq.	Mr. Foster Jarvis
Col. Wm. Reed	Mr. Benj. Tull
W ^m Swann Esq.	Mr. Jos. Sanderson
Tho: Vandermulin	Mr. Jos. Wicker
Mr. Tho. Taylor	Mr. W ^m Luffman
Mr. W ^m Williams	Mr. W ^m Stafford

St. Thomas Parish.

The Hon ^{ble} Cha ^s Eden Esq.	Cap ^t Jn ^o Drinkwater
Col. Christop ^r Gale	Cap ^t Jn ^o Clark
Tobias Knight Esq	Mr. Jn ^o Adams
Mr. Jn ^o Porter	Mr. Patrick Maule
Dan ^l Richardson Esq.	Mr. To ^s Harding
Mr. Tho ^s Worsley	Mr. Jn ^o Lillington

Hyde Parish.

Co ^l Em ^l Cleaves	Mr. W ^m Barrow
Mr. Jn ^o Jordan	Mr. Jn ^o Proctor
Mr. Sam ^l Slade	Mr. Rob ^t Spring
Mr. Rich ^d Jesper	Mr. Rich ^d Dane
Mr. W ^m Cording	Mr. Rich ^d Harvey
Mr. Henry Slade	Mr. Rob ^t Green

Craven Parish.

Col. W ^m Brice	Mr. Jn ^o Smith
Maj. W ^m Hancock	Mr. Jn ^o Mackey
Mr. Jno. Nelson	Mr. Tho ^s Smith
Mr. Jn ^o Slocomb	Mr. Jos. Bell
Cap ^t Rich ^d Graves	Mr. Martin Frank
Mr. Dan ^l Meffarlin	Mr. Jaco: Sheets

which said Vestrymen are to be summoned by the Marshall or his Deputy in each precinct or parish to meet together at the church, chapel or Court House in every precinct, Or if there be none, then at such other place as the Marshal shall appoint within forty Days after the publication of this Act; Or if any person or persons appointed by this Act to be a Vestryman shall fail to meet as aforesaid, upon such summons, he & they shall forfeit, & pay the sum of Three pounds.

And if the Marshal shall refuse or neglect to summons the Vestrymen as is before menconed & appointed he shall forfeit the sum of Twenty shillings for every Vestryman not summoned.

And Be It Further Enacted, by the authority aforesaid that all & every person or persons who by this act are appointed Vestrymen within any parish or precinct within this Government shall on or before the Easter Monday next ensuing the Ratification of this Act; and all and every person who at any time hereafter shall be elected a Vestryman or become a member of any Vestry within this Government, shall within one month after his becoming a Vestryman, or Member of any Vestry before some one or more Justice or Justices of the Peace within that parish or precinct besides taking the Oaths by Law enjoyned make & Subscribe the Declaration following, viz. I, A. B. do declare that it is not lawfull upon any pretence whatever to take up Arms against the King & that I will not apugne the Liturgy of the Church of England as it is by Law established.

And that all & every person who shall neglect & refuse to do the same within the respective times aforesaid shall be deprived of such his place of Vestryman & of being a member of such Vestry to all Intents & Purposes, & such places shall be actually void; & if such person is not a known & publick Dissenter from the Church of England, he shall also forfeit the sum of Three pounds.

And that from & after such neglect or refusal it shall be Lawfull for the remaining part of the Vestrymen to proceed to the election or nomination of some other discreet Freeholder of the respective parish, in the Room of such persons so neglecting or refusing as aforesaid.

And if such person so to be elected in the Room of such person so neglecting or refusing, shall also neglect or refuse to make & Subscribe the Declaration & Acknowledgment in manner & Time aforesaid; In such cases, if the Vestry shall not proceed to election within one month after such vacancy, that it shall be Lawfull to & for the present Incumbent (if any) & for want thereof, the Commander in chief of the Government for the time being, under his hand & seal to select & nominate a discreet Free-

holder of the parish in such vacant Room, which person so to be elected & nominated, after his making Subscription in manner & time aforesaid, shall bee deemed and taken to be a Vestryman or member of such Vestry, as if he had been expressly nominated by the Act.

And Be It Further Enacted—by the Authority aforesaid that the Vestrymen of every Precinct or Parish, or the greatest part of them shall choose two persons who are Vestrymen to be Church Wardens, who shall continue in that office one year & no longer, unless he or they shall be willing, and then two other Vestrymen shall succeed in the same office for the next year & so successively, until every Vestryman hath served in the office aforesaid.

And Be It Further Enacted by the Authority aforesaid that if any person who shall be chosen Church Warden shall refuse to execute that Office, without lawfull cause, he shall forfeit and pay Thirty Shillings, to be levied upon the Estate of the person refusing—by Order of the Vestry or greater part of them, to be disposed of for the use of the parish, upon which such person shall be excused 'till his turn come again in course.

And the Church Wardens in each respective parish and their Successors shall have full power to call the Vestrymen together & to appoint the time of their meeting, & in case of their neglect so to do when occasion shall require, it shall be Lawfull for three or more of the Vestry to do the same.

And if any Vestryman shall fail to give his Attendance at such time of meeting without Lawfull cause to be allowed & approved of by the Vestry or the greatest part of them, shall forfeit and pay Tenn Shillings for every such Default to be Levied & disposed of in manner aforesaid.

And Be It Further Enacted by the Authority aforesaid, that the several Church Wardens & Vesteries or the greatest part of them shall use their best & utmost endeavors to procure an able and Godly Minister qualified according to the Ecclesiastical Laws of England—and a person of a sober life & Conversation to be Clerk, & to raise for him or them, such Stipends yearly as they shall think convenient, so as such sum or stipend for the Minister be not less than Fifty Pounds yearly; & that in the raising thereof & all other parish charges, the whole do not exceed five shillings per Poll on all the Taxable persons in the parish. Provided allways that such Minister for whom such moneys are to be raised yearly be constantly resident in the parish & do not omit officiating at the Church or chappel within the parish above One Sixth part of the Sundays in the year, unless permitted by the Church-Wardens & the Vestry to officiate in the Neighboring vacant parishes.

And Be It Further Enacted by the Authority aforesaid that the Church Wardens & Vestrymen, or the greatest part of them, in each respective precinct or parish aforesaid & their successors forever shall have full power and Authority to purchase Land for a Glebe to build one Church & one or more Chappels in every respective precinct or parish aforesaid, as they or the greatest part of them shall think necessary, & the same as often as need shall require to repair & also to provide and take care to satisfie and pay all Parochial Charges out of such Gifts, Goods, & Chattels as shall come to their hands for the Church or parish's use, towards the payment of which parochial charges all the Fines & Forfeitures of this Law incurred shall be Levied by the Church-Wardens in each respective precinct or parish & by them accordingly applied.

And Be It Further Enacted, by the Authority aforesaid that for the defraying or paying whatsoever charges shall or may from time to time arise by force of this Act, or which shall properly be a parish charge, altho not mentioned in this Act. It shall & may be Lawfull for the several Church Wardens and Vestrymen or the greatest part of them & their successors in every respective precinct or parish aforesaid to raise & levy money by the Poll so as the same do not exceed Five Shillings by the Poll p^r Annum: which sum or sums of money so laid equally by a Poll tax, shall after Twenty days notice given by the Church-Wardens to the parishioners be paid by the time appointed for the payment thereof, either at the Glebe-Church, chappel, or at such other place as by the Church-Wardens shall be appointed, under the Penalty of Double Distress to be made by the Church-Wardens on the Goods of such person refusing or neglecting to bring the same by the time appointed.

And Be It Further Enacted, by the Authority aforesaid, that the Church Wardens of every precinct or parish aforesaid shall take due care & order that all such sum or sums of money as Vestry shall order & appoint, be duly raised & applied & payed to such uses as by the said Vestry shall be directed for which the Church-Wardens shall be allowed on their Acct^s the sum of Three p^r cent & no more. And if any Church-Warden shall refuse or neglect to perform his duty therein he shall be obliged to make good and pay all such sum and sums so ordered by the said Vestry to such person or persons as should have had the same had the taxes been duly levied & paid excepting Insolvents. And to prevent Illegal & Unlawfull Marriages not allowable by the Church of England but forbidden by the table of Marriage

Be It Enacted by the Authority aforesaid that no Minister, Priest, or Magistrate (who is hereby impowered to join persons together in Mar-

riage in such parishes where no Minister shall be resident,) either upon License, or after the persons intending to marry have had the Banns of Matrimony published Three times by the Clerks at the usual place of celebrating Divine Service, by affixing such their intentions at the Court-House door two distinct Courts, shall presume to join together in Marriage any persons whatsoever contrary to the Table of Marriages which the Church-Wardens & Vestry are hereby to cause to set up in all Churches & Chappells under the Penalty of Five Pounds: Nor shall any persons forbidden to intermarry by such Table of Marriages presume to be joined together in Marriage under the like Penalty of Five Pounds: & that no Lay person, in any parish where a Minister or Priest is resident shall join any persons in Marriage under the Penalty of Five Pounds: One Half to the Parish for the Use of the Poor & the other to the Minister resident or incumbent; And that it shall & may be Lawfull for every Minister to take & receive of every person or persons by him married the sum of Five Shillings & no more.

Provided such persons come to the Parish Church or Chappel at Time of Divine Service, for Solemnizing such Marriage.

EDW^d MOSELEY

Speaker.

CHAS: EDEN

N. CHEVIN

C. GALE

FRAN^s FOSTER

T. KNIGHT

[LAWS OF NORTH CAROLINA, MSS. REVISAL, 1715.]

AN ACT RELATING TO THE BIENNIAL AND OTHER ASSEMBLIES AND REGULATING ELECTIONS AND MEMBERS.

Whereas His Excellency the Palatin and the rest of the true and absolute Lords Proprietors of Carolina haveing duly considered the Priviledges and Immunities wherewith the Kingdom of Great Britain is induced and being desirous that this their Province may have such as may thereby enlarge this Settlement and that the frequent sitting of Assemblies is a principal safeguard of their peoples Priviledges have thought fit to enact.

And be it enacted by the said Palatin and Lords Proprietors by and with the advice and consent of the present Grand Assembly now met at Little

River for the North East part of the said Province and it is hereby enacted That for the due Election and Constituting of Members of the Biennial and other Assemblies it shall be lawfull for the freemen of the respective precincts of the County of Albemarle to meet the first Tuesday in September every two years in the places hereafter mentioned that is to say the Inhabitants of Chowan at the Land laid out for a Town on the Fork of Queen Arms Creek the Inhabitants of Perquimons at the upper side of the Mouth of Suttons Creek The Inhabitants of Pasquotank at the plantation now in Possession of M^r Joseph Glaister on new Begunn Creek The Inhabitants of Currituck at the Plantation of M^r Thomas Vandermulin The Inhabitants of Beaufort in Bath, in Bath Town, The Inhabitants of Hyde precinct at the Plantation at M^r Westersons the Westside of Matchapungo a River The Inhabitants of Craven at Swifts Plantation at the mouth of Handcocks Creek The Inhabitants of New Bern at the Town so called and then there to chose such members as are to sit in that Assembly which shall be five Freeholders out of every precinct in Albemarle County aforesaid.

And be it further enacted That it shall and may be lawfull for the Inhabitants and freemen in each precinct in every other County or Counties that now is or shall be hereafter erected in this Government aforesaid to meet as aforesaid at such place as shall be adjudged most convenient by the Marshall of such County unless he be otherwise ordered by the special Commands of the Gov^r or Commander in Chief to choose two Freeholders out of every Precinct in the county aforesaid to sitt and vote in the said Assembly.

And be it further enacted That the Burgesses so chosen in each precinct for the Biennial Assembly shall meet and sitt the first Monday in November then next following every two years at the same place the Assembly last satt. Except the Palatins Court shall by their Proclamation Published Twenty days before the said meeting appoint some other place and therewith the consent and concurrence of the Palatins Court shall make and ordain Laws as shall be thought most necessary for the good of this Government.

Provided always and nevertheless that the powers Granted to the Lords Proprietors from the Crown of Calling Proroguing and dissolving Assemblies are not hereby meant or intended to be invaded limited or restrained.

And it is hereby further enacted by the Authority aforesaid that no person whatsoever Inhabitant of this Government born out of the Allegiance of his Majesty and not made free no Negro Mullatto or Indians

shall be capable of voting for Members of Assembly and that no other person or persons shall be allowed or admitted to vote for Members of Assembly in the Government unless he be of the Age of one and Twenty years and has been one full year resident in the Government and has paid one years Levy proceeding the election.

And be it further enacted that all persons offering to vote for Members of Assembly shall bring a List to the Marshall or Deputy taking the Poll containing the names of the persons he votes for and shall subscribe his own name or cause the same to be done and if any such person or persons shall be suspected either by the Marshall or any other Candidates not to be qualified according to the true Intent and meaning of this act then the Marshall Deputy Marshall or other Officer that shall be appointed to take and receive such votes or Lists shall have power to administer an Oath or Attestation to every such suspected person of his Qualification and Ability to choose Members of Assembly and whether he has not before given in his List all that Election.

And be it further enacted That every Officer or Marshall which shall admit of or take the vote of any person not truly qualified according to the purport and meaning of this act provided the Objection be made by any candidate or Inspector or shall make undue return of any person for Member of Assembly shall forfeit for such vote taken and admitted and for such returns Twenty Pounds to be employed for and towards the building of any Court House Church or Chappels as the Governor for the time being shall think fit But if no such building require it then to the Lords proprietors and Twenty pounds to each person of Right and by a Majority of Votes ought to have been returned to be recovered by Action of Debt Bill plaint or Information in any Court of Record in this Government wherein no Eession Wager of Law or Protection shall be allowed or admitted.

And be it further enacted That every Marshall or Officer whose Business and Duty it is to make return of Elections of Members of Assembly shall attend the Assembly the three first days of their sitting (unless he have leave of the Assembly to depart) to inform the Assembly of all Matters and Disputes as shall arise about Elections and shall shew to the Assembly the List of the votes for every person returned and have made complaint of false returns to the Assembly and every Marshall or other Officer as aforesaid which shall deny and refuse to attend as aforesaid shall forfeit the sum of Twenty Pounds to be recovered and disposed of in such manner and form as the forfeitures before by this act appointed.

And be it further enacted That whatsoever Representative so elected as aforesaid shall fail in making his personal appearance and giving his attendance at the Assembly precisely at the day limited by the Writ or on the day appointed for the meeting of the Biennial Assembly when the Election is for a Biennial Assembly shall be fined for every days absence during the sitting of the Assembly (unless by disability or other Impediment to be allowed by the Assembly Twenty shilling to be Seized by a Warrant from the Speaker and so to be applied to such Uses as the Lower House of Assembly shall think fit.

And be it further enacted That every Member of the Assembly that shall be elected as aforesaid after the ratifying this act shall not be qualified to sitt as a Member in the House of Burgesses before he shall willingly take the Oath of Allegiance and supremacy the Abjuration Oath and all such other Oaths as shall be ordered and directed to be Taken by the Members of Parliament in Great Britain.

And be it further enacted That the Quorum of the House of Burgesses for voting and passing up Bills shall not be less than one full half of the House and that no Bill shall be signed and ratified except there be present eight of the Members whereof the Speaker to be one and in case eight Members shall meet at any Assembly those eight shall have full power to adjourn from day to day till sufficient Number can assemble to transact the Business of the Government.

EDW^d MOSELEY
Speaker

CHAS: EDEN
N. CHEVIN
C. GALE
FRAN^s FOSTER
T. KNIGHT

1716.

[COUNCIL JOURNAL.]

NORTH CAROLINA ss

Att a Council holden at the house of Cap^t Fred^k Jones in Chowan on 21st day of January 171⁵/₆

Present the Hon^{ble} Charles Eden Esq^r Gov^r Cap^t Gen^l & Adm^l

The Hon ^{bles}	{	Nath Chevin Fra ^s Foster Chr Gale T Knight	}	Esq ^r Lds prop ^{trs} Dep ^{ty} s
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Co^{ll} Christopher Gale Presented a Commission to this Board from the Lds proprieto^{rs} Appointing him Chiefe Justice of this Province and pray'd the same might be read and Admitted of And the Question being put to this Board by the Governo^r whither the Said Commission ought to be published and Take place before the Instructions Came over or not and it passt in y^e Affirmative and thereupon the Said Commission was read and admitted of accordingly.

Major Tho Luten preferrd a petition to this Board praying that Letters Testamentary might be Granted to him on y^e Last Will and Testam^t of M^r Ester Pollock Dec'd and y^e hon^{ble} Co^{ll} Tho^s Pollock Late husband of y^e s^d Ester haveing made known to this Board his reasonable Excuse for not appearing at this time

It is Ordered that the subject matter of y^e Said Petition be referr'd to y^e 3^d day of y^e next General Court and that if the said Co^{ll} Pollock appear not at y^t time this Board will proceed to determine y^e same

Then this Board adjourned to y^e Governo^{rs} house on Munday next.

Att wth time and place this Board mett present ut Supra

Upon Petition of Lewis Conner Esq^r Setting forth that he did on y^e 22 day of June 1713 make an Entry with Tho^s Pollock Jun^r the then Surveyo^r Gen^{ll} of all y^e Land Swamp and Lowe Ground from the head of his own Land in Pamplico y^t he bought of Major Barrow up to y^e head of Aldersons and y^t which was Collingwood Wards cleare across y^e neck to Matchapungo Creek or as farr as the Land of Major Barrow and others adjoyning and that Conformable to y^e Custom of this Governm^t he did request the Surveyo^r Gen^{ll} to Survey or cause y^e said Land to be Surveyed for him and did Treat wth y^e Lords Receiver General for and Concerning the payment of y^e Purchase money for y^e same but either by the remissness of y^e Surveyo^r or for some other reason to him y^e said Conner unknown the said Land is not yett laid out and that he has advertised y^t one M^r John Porter is takeing up part of y^e same Lands and therefore prayes that this board will Order y^e present Surveyo^r Generall or his Deputy to survey and lay out the same according to his said Entrey

Ordered that the Survey^r Gen^{ll} or his Dep^{ty} do lay out the aforesaid Land pursuant to y^e purport of y^e said petition provided he do not interfere wth the proprieto^{rs} Instructions or any other former war^{ts} or Enteries thereon

Upon Petition of Katherine King Widdow and relict of John King dec'd Shewing that a Tract of Land Lyeing on the Middle Branch of Salmon Creek belonging to John King her late husband Containing Six

hundred and Forty acres is Lapst for want of being seated in due time pursuant to y^e pattent and prays the same may be granted to her

Ordered that the same be granted as pray'd for

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY.

NORTH CAROLINA Feb^y 14th 171⁵/₈

Sir

I have lived this place five years in hopes of some provision being made for me here, but now I plainly see they never intended it with great difficulty & charge I prevailed with seven of our Worshipfull vestrymen to meet March 2nd 171³ in order to answer Col. Nicholson's letter and comply with the demands of the Hon^{ble} Society, but if you have that account they gave of the Circumstances of their parish, you'll find no mention of what they allowed me, nor could I engage them to resolve on anything notwithstanding I prest them very earnestly. On the 3^d of January following the like number with much solicitation were perswaded to meet again, but 'twas to divide the parish & make two of it, so that they might not be at the trouble of crossing the Sound (and yet they would have obliged me to do it 3 times in a month) they then endeavoured to put me off as before, but at last agreed to allow 110 for the 3 years past. Had I officiated in another parish alternately as the Vestry act empowered me, they ought to have paid me 30£ p Annum in each, but the difficulty of attending upon two parishes being great they offered me the hire of 2 parishes provided I would goe the River, as heretofore, which was not possible for me to do before, I had a canoe and servants & when furnished therewith whilst abroad my family starved at home, so that I was constrained to keep my hands at home and make Corn or we must have fasted. I was very much blamed, and seeing I had not answered their Expectation it was thought great generosity to give me £110 from that time to this I could never prevail with them to meet: I went and wrote to the church warden who was to collect the money diverse times but to no purpose, he never designed it, Another year is expired and now some of the bards tell me, truly they did not hire me the last year, nor will ever employ me more but are Mustering & contriving to pay me as they have done all before me, with lyes and all manner of scandalous stories, lading me with reproach and

contempt, so that now I am in a fair way to be starved. I have no grain of any kind whatsoever, nor any sort of provisions Save 5 young porkers which weigh about Quarter each and have nothing to buy with; no longer credit at Boston by reason of nonpayment of my Bills in England. I wont to have rum sugars and Mulasses from thence and with that I could buy provisions; we are all naked and the Winters very severe; I have lately lost a Negro he was merely starved for want of clothes and a warm lodging and I shall be obliged to sell the other Negro to keep us till I hear from you which I pray may be with all speed. Here I cannot stay therefore beg I may return home and be allowed my Salary according to the Standing orders of the Society 11.18 Page 56. otherwise I shall not be able to procure us a passage, for my Plantation and all I have will be siezed for debt except my Bills be paid in England, but so many have been sent back protested, that 'tis generally believed the Society will pay no more, at least many here wish they may not, I have been at great charges and trouble in endeavouring to get my house fit to live in with the addition of a couple of little rooms one a shop for me and the other a kitchen to dress our victuals when God sends it, it hath cost me near 100 too besides dyet, lodging and the attendance of all my family for a great part of a year. This order for £110 gained me Credit with the Workmen but being disappointed by the Churchwarden, have been forced to raise all the money I could, have borrowed £50 and some work is still owing for, I owe a servant maid that my Wife brought from England upon Wages, for 4 Years service, the poor Girl is almost naked, many may wonder how I came in such circumstances, but 'tis easily made appear; have no support from the wretched folks I was constrained to anticipate or draw faster than money became due, I had but 50 pbt against Sterling money and gave 5 or 600 pr ct for every thing that I bought except victuals which truly is cheap enough & generally very plentiful; we made most years 50 or 60 Sloops and other Vessels with all sorts of good provisions and God knows reap small benefits by it. Goods are sold at such exorbitant prices, If I could have had the money that has been due to me from the Society invested in Goods, I might have lived handsomely and had a thousand pound in pitch which would have fetch't as much in England clear of all charges. I am told Mr. Rainsford is designed for England in order to be admitted Pensioner again for this miserable place; I wonder at it, for he had tho' a short yet a full taste of the temper and nature of these Ephesian Beasts, & their treatment of Ministers, he had a plentiful reward for the service he did, was laden with Scorn Contempt & Calumny, abun-

dance of Scandalous, I hope false, Stories are told of him; tis said, provided I could have removed he would have staid in the Parish and not have taken a farthing of them (which was a very endearing article) for he had a sufficient support from England; if true, I believe he'll be of another opinion now, for he has married a Sorry girl in Virginia, besides his way of living requires a good income; We have had all our Laws revived and amended where needful it was (and still they are confused and simple enough) and 'tis said they are to be sent to the proprietors for their approbation and then be printed it would be well if you could procure a Copy of the Vestry Act, I suppose the Society will not allow of it; for 'tis in the power of every new Churchwarden to continue or not their Minister: Likewise it ought to be specified that the Ministers Salary be paid in the Staple Commodities of the Country, viz^t, Corn, Wheat, Beef and Pork & pitch at his dwelling house for 'tis not with his labour to collect it, but beware such another may never pass and in after ages perhaps these Amendments may be made with the consent of an Assembly, I beg of you to desire the Treasurer to send me an account of all the money paid to my use since my late Attorney refused to act for me he sent me a Balance to Sep 29th 1713 he had then in hand £14: 16: 6 I draw'd a Bill for £10 upon him since that and he sent it back protested I long to know what has become of my money from that time: According to my drafts I shall owe but seven pounds the 25th of the next month if all my bills were paid, but Mr Jekyl at Boston writes me that my last Bill of £20 payable to him is not paid, and there is another to Thomas Haudrey Merchant for 37£ come back protested, Mr. Tryon said he no effects, and yet since both these, one to Thomas Lee who went from hence for 20£ was punctually paid. If my attorney has received any thing since my acc^t he has wronged me: he pretended he would never be concerned for me; & accordingly in one to Mr Hodges I revoked the power given him and desired no more money might be paid to him.

I sent my Journal to Michaelmas last by way of Virginia, date X^{ber} 16. I should be glad to know it came safe for 'twas kept here 3 Weeks and I have no great reason to believe it was opened, if not destroyed you know my seal without doubt We have had no News a long Time from North Carolina, God knows what condition they are in, we have great reason to wish for their success. I am

Sir your most humble Servant

JN^o URMSTON

Missionary.

[SPOTSWOOD LETTERS. VOL. 2. P. 141.]

VIRGINIA, Feb'y 16th, 1715 [1716.]

To the L'ds Comm'rs of Trade:

MY LORDS:

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After so many years spent in fruitless Endeav'rs to ascertain ye Boundaries between this Colony and No. Carolina, and the frequent trouble w'ch that dispute has occasion'd to y'r Lo'ps' board, I hope ye pro'sal w'ch I here enclose will be the more acceptable, as it is the only Overture which has been made from ye beginning, wherein both Governm'ts could be brought to acquiesce; And indeed is the only Expedient I can think of to put a speedy end to this Controversy, for while both sides insisted on the boundary which each claimed and brought positive Evidences to support their pretensions, while the Observations of the Latitudes were disputed, and the Instruments by w'ch they were taken Questioned, and that, notwithstanding the repeated orders of her late Maj'tie for ye proprietors to appoint new Commiss'rs, four years have pass'd without any Step made on that part towards complying with those Orders. It was not easy to foresee an end to this Contest, tho' the Inconveniencies to both Governm'ts by the continuance of this dispute is very obvious, and likely still to increase—many people settling themselves in those contraverted Lands who own obedience to ye Laws of neither Province. If the Observations of ye Comm'rs and Survey'rs of this Governm't are just, his Majesty can be no great loser by runing the boundary as propos'd in ye enclos'd Paper, viz., a due West Course from Corrotuck's Inlett; but if these observations should prove erroneous, whatever shall be lost thereby will be made up by saving a great expence in runing this Course rather than the transverse line from Curratuck to Wicconi, through one of the most uninhabitable and impracticable wilderness that is known in these parts, where the best Artists we have must have been at a loss to Steer to the point designed, and consequently must make divers Experiments which would increase the Charge. But without arguing any more upon the Advantages of this Proposal, I shall only add that I have acted herein what I think most for his Maj't's Service, according to ye present Light I have of that affair, and shall submit to y'r Lo'ps to lay it before his Maj'tie with such Recommendation as you judge it deserves; And if his Maj'tie shall approve thereof, and that the Lords Proprietors will readily come into it, I shall then hope for the Satisfaction of seeing a speedy determination to a very intricate and perplex'd business.

To prevent any Cavils w^{ch} may arise in laying out the Boundarys, I humbly propose that y^r Lo^{ps} would be pleas^d to obtain such Instruments to be Sent in hither as shall be approv^d on by his Maj^{ty} and the Lords Proprietors, and that directions may be also sent in what manner the charge shall be defrayed, since there will be occasion to employ several people for marking out the Line, and in some places to make use of boats, of which it is reasonable the Proprietors should bear their proportion.

I shall observe y^r Lo^{ps}' directions as to ye other particulars mention^d in y^r Letter, of w^{ch} y^r Lo^{ps} shall have an Acc^t as occasion offers, being desirous of nothing more than to give y^r Lo^{ps} proofs of the Respect wth w^{ch} I am, &c.

[B. P. R. O. B. T. VIRGINIA. VOL. 14. P. 64.]

PROPOSALS FOR DETERMINING THE CONTROVERSY
RELATING TO THE BOUNDS BETWEEN THE GOV-
ERNMENTS OF VIRGINIA AND NORTH CAROLINA:
MOST HUMBLY OFFERED FOR HIS MAJESTYS
ROYAL APPROBATION, AND FOR THE CONSENT OF
THE RIGHT HON^{ble} THE LORDS PROPRIETORS OF
CAROLINA.

Foreasmuch as the dispute between the said two Governments about their true Limits continue still, notwithstanding the several meetings of the Commissioners, and all the proceedings of many years past in order to adjust that Affair and seeing no speedy determination likely to ensue, unless some medium be found out, in which both partys may encline to acquiesce: Wherefore both the underwritten Governors having mett and considered the prejudice done both to the King's and the Lords Proprietors Interests by the continuance of this Contest, and truly endeavouring at a Decision which they judge comes nearest to the Intention of the Royal Charter, granted to the Lords Proprietors, Do with the Advice and Consent of their respective Councils Propose as followeth.

That from the mouth of Corratuck River or Inlett, and setting the compass on the North Shore thereof a due West Line be run and fairly marked; and if it happens to cutt Chowan River between the mouths of Nottoway River and Wicons Creek, then shall the same direct course be continued towards the mountains, and be ever deemed the Sole Dividing Line between Virginia and Carolina That if the said West Line cutts Chowan River to the Southward of Wicon Creek, then from that point of Intersection the bounds shall be allowed to continue up the Middle

of the said Chowan River to the middle of the entrance into the said Wiccon Creek, and from thence a Due West Line shall divide the said two Governments. That if the said West Line cuts Blackwater River to the Northward of Nottoway River; then from that point of Intersection, the Bounds shall be allowed to continue down the middle of the said Blackwater River to the middle of the Entrance into the Nottoway River, and from thence a Due West Line shall divide the said two Governments. That if a Due West Line shall be found to pass through Islands or cut out small slips of Land, which might much more conveniently be included in the one province or other, by natural water bounds; in such case the persons appointed for running the Line shall have power to seale natural bounds, Provided the Commissioners of both sides agree thereto, and that all such Variations from the West Line be particularly noted in the Mapps or Platts which they shall return to put upon the Records of both Governments.

All which is humbly submitted by

CHARLES EDEN.

A. SPOTTSWOOD

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA Feby 28th 171⁸

Sir.

Since the delivery of mine pr. this same opportunity and the Copy thereof p via Boston, I understand that a Copy of our law is sent p Godfrey so that if the Society think fit to procure a sight of the Vestry Act there must be no delay. I presume they'll not approve of it what I think most material to be added is that it be not in the power of the Vestry to remove their Minister at pleasure. that the Ministers Salary be paid in spetie of the Country produce at his own house: that a Table of Fees belonging to the Surplice, as Weddings, Burials, Funeral Sermons &c be agreed on by the Vestry and made publick: but nobody be burried but by the Minister nor marryed; that the Minister be exempt from all taxes, Imprefts or Levyes upon him or any belonging to him; all liberties & privileges, as is practised in England be continued and observed, as far forth as is consistent with the Country, that the choice of one Church Warden yearly be allowed him, that the Vestry do meet at least once every Quarter, in Easter week especially and chuse Churchwardens and whatever else the Honorable Society may think fit and can be obtained of the Lords Proprietors.

The Proprietors must be prest to use their Interest with the Colony to have all such amendments made the next assembly after the return of the Laws, for the proprietors have not Authority enough to ratify them without the Consent of an Assembly. This sending of the Acts to be perpetuated by the Proprietors is the only Step made since the settlement of the Colony to make it a regular place, soon after the grant of this Colony to the proprietors they made several laws and constitutions which are in Print but these have been little regarded for many years, if not quite set aside and the Lords power of little Force, they were wont to have all Acts of Assembly confirmed by the Lords or else they were not in force above two years; but of late they never trouble the proprietors at all but passed and annul'd Laws at pleasure and at the first meeting of every Biennial the old laws were confirm'd and to be continued for the two years following and by that means. evaded the Lords, approving or disallowing their Laws, according to the power they reserved to themselves on the Fundamental Constitutions I suppose the Lords will scarce approve of all the Acts.

This comes by a friend passenger in Captⁿ Godfrey; I pray acquaint if mine by him and the Copy by Boston come to hand under the Seal of Sir
Your humble Serv^t

JOHN URMSTONE

[B. P. R. O. B. T. PROPRIETIES. VOL. 10. Q. 72.]

LETTER FROM THE ASSEMBLY OF SOUTH CAROLINA
TO THEIR AGENTS IN GREAT BRITAIN, DATED THE
15th MARCH 171⁵/₁₆ GIVING AN ACCOUNT OF THE ILL
STATE OF THAT PROVINCE.

Gentlemen, CHARLES TOWN. March y^e 15th 171⁵/₁₆.

Wee have lately seen a letter from M^r Beresford dated December y^e 27th 1715 directed to the Commission^{rs} appointed by y^e late Assembly to correspond with you wherrin he mentions y^e receipt of one from the said Commission^{rs} dated August the 25th 1715 with the address of our late house of Commons to his Majesty, to take the immediate Government of this Province into his own hands. We are glad to hear that you have delivered the same & rejoyce at the hopes you give us that something will be done at Court in our favour, at the same time we wonder that his letter should come onely from M^r Beresford, expecting that you both should act joyntly in all things which concern the good of this Province.

Wee the Members of Assembly now sitting have thought fit by this opportunity to send another address to his Majesty on the same head & desire that you will deliver y^e same and that you will with your utmost application endeavour to get our request fulfilled for according to all human probability unless his Majestie doth take this Province under his immediate protection and sends us men to defend us and money to defray our Charges this once flourishing Collony will be reduced to nothing and become a pray to our Barbarous Enemies.

According to a moderate computation of y^e Charges that this Government has been at for the Support of the Warr it amounts to near one hundred and forty thousand pounds what farther Charges we shall be at God alone knows, we need not use any arguments to make you sensible that this will be a greater burden than this poor Province can possibly bear.

We are now to inform you that the Forces wee had from Virginia and North Carolina are upon their departure home, being unwilling to stay any longer and our Government is y^e more willing to gratifie them in that particular by reason the charge we are at in maintaining them is greater than we can bear.

We hope Gent^l when you have duely weighed all these particulars that you will be fully convinced that our affairs do still look with a very dismall aspect and that no endeavours in you will be wanting to get as immediate assistance which onely under God can save this Province from utter ruin.

The vessel by whom you will receive the address to his Majestie & this letter is just now going over the Barr which obligeth us to come to a conclusion and to be very short in the relation of the affairs of this Province with the Government of Virginia. Wee shall onely mention that we are now finding out some means to give that Govern^{mt} all the satisfaction they can in reason desire the particulars of which you shall have by our next. Wee should not have mentioned anything on this head at this time had not the Govern^r of Virginia sent us word that he would endeavour to make us look as odious as he could both at home in England and in all the Kings Govm^{ts} in America upon the account of our non performance of every particular branch of the Treaty of assistance agreed upon between that Gover^{mt} and our agent sent thither for that purpose. At the same time we must confess that if our late Assembly had fully complied with that agreement it would not have cost this

Province near so much money as the measures we shall now be obliged to take

signed by order of y^e house

THO: BROUGHTON. Speaker.

We order you to lay the State of this Province as you now receive it from us, before his Majesty as we have promist in our address you should.

[COUNCIL JOURNAL.]

NORTH CAROLINA SS

Att a Council holden at the house of Capt. Rich^d Sanderson at Little River on Thursday March y^e 29 1716

Present the Hon^{ble} Charles Eden Esq^r Governo^r Cap^{tn} Gen^l & Admⁿ

The Hon^{ble} $\left\{ \begin{array}{l} \text{Nath Chevin} \\ \text{C Gale} \\ \text{Fra^s Forster} \\ \text{T Knight} \end{array} \right\}$ Esq^r Lds proprieto^{rs} Dep^{ty}s

Upon Petition of Francis Forster showing that Samuel Charles has made a Survey of a Tract of Sunken Land and Swamp Joyning upon him to his Great Prejudice and without giving him any notice thereof Contrary to y^e Lawes in that behalf made

Ordered that the said Charles be summoned to appeare at the next Council to shew cause why the said Foster may not have y^e first refuse of ye Said Land and that in the meane time he forbears to make any further proceedings thereon

Upon Petition of Gabriel Newby Shewing that a Tract of Land formerly settled and Inhabited by Charles MacDaniel in Perquimons River has been Disserted for this one and Twenty years and no heire appearing y^e same nor any person to pay the Rents thereof the said Newby prays that a war^t may Issue out to appraise y^e Labor done on y^e same land and that the same may be Granted him y^e said Newby pursuant to y^e act of Assembly in that behalfe made and provided.

Ordered that a War^t do Issue out upon the said act pursuant thereto as pray'd for in y^e said Petition

Upon petition of Thos Boswell praying that a partition of a Tract of Land wherein his wife and Elizebeth Watter her sister are Joynt Tenants and that Elizebeth having sold her part in the said land prays that

an order may Issue out to the Surveyo^r for to make an Equal division thereof that each party may know their own share

Ordered that the Surveyo^r Gen^l or his Dep^y Do make partition of Said Lands as in y^e Said partition prayd.

Upon Petition of Francis MacClendon Shewing that a Tract of Land Containing Four hundred Acres was Granted to Michael Hill by pattent dated y^e 5th day of March 171 $\frac{1}{2}$ Is now laps'd for want of being Seated in due time pursuant to y^e said Pattent and prayes that the same may be granted to him

Ordered that the same be granted as pray'd for

Upon Petition of Thos Ashley Junio^r Shewing that a Certaine Tract of Land lyeing in Chowan precinct Containing One hundred and Twenty Acres was Granted to Tho Ashley Sen^r by Pattent bearing date is Laps'd for want of being seated in due time pursuant to y^e said Pattent and prayes that the same may be granted him

Ordered that the same be granted as pray'd for

Upon Petition of James Boon Shewing that a Tract of Land Lyeing in Chowan precinct Contayning five hundred and Seventy five Acres was granted to Tho^s Sessims by pattent dated the fourth of Novem^{br} 1707 is Lapsd for want of being seated in due time pursuant to y^e said pattent and pray that the same may be granted him

Ordered the same be granted as pray'd for

Upon Petition of Benjⁿ Blount Guardian to his Bro^r John Blount Showing that he is not Capable to discharge the trust in him reposed and prayes that Jacob Blount another Bro^r of y^e said John may be appointed Guardian to y^e said John in his stead

Ordered that Letters of Guardianship do Issue out to the said Jacob Blount as prayd for

[FROM N. C. LETTER BOOK OF S. P. G.]

COLL. EDEN TO THE SECRETARY

CHOWAN North Carolina May 10th 1716

Sir

I rec^d the honour of yours dated Nov^r 18th last but the 5th day

As soon as the Vestry's can be called of this precinct, the place of M^r Urmston's residence, I shall in obedience to the Commands of the Most Honorable Society recommend that Gentleman's case to them and make

not much doubt the members will relieve him in the affair he complains of to your Board and as for the Precinct of Pasquotank he has already rec^d part of that money and the residue will be paid in by Tuesday in Whitsun week which is the time appointed by that Vestry for it; I have particularly recommended that matter to the Secretary of this Province who I am well assured will take all necessary care of him.

If Mr Urmstone is not so happy in this place as he might have been, I doubt he has but himself to thank for it; He has been but a moderate conductor of his affairs, which I believe has run him into so many ill conveniences that he easily might have avoided, But having spoken so largely of that Gentleman already, I care not for mentioning him now, nor should I have done it had it not been in regard to the Country whereof I have the Honour to be Governor.

I take the liberty to enclose with this an Abstract of an Act of Assembly made here the last Winter which I beg Sir you will lay before the Society. It may serve to give those Gentlemen a specimen of the inclinations of these poor people Tenn^{ts} to my Masters the Lords proprietors w^{ch} are not so black as they have been painted, but on the Contrary are as willing as any of his Majesty's Subjects on the Continent to contribute to the utmost to the subsisting of Ministers that are Gentlemen of good lives and affable behaviour & conversation. Though hitherto it has been their misfortune to be in a manner void of such necessary instructors, I dare not presume to ask any favor of the Gentlemen of the Society. They being the only Judges how, for they can extend their nursing care to a poor uninstructed people. But if we cannot be so happy as to procure ministers for each four parishes would they but please to send us schoolmasters qualified, as mentioned in their most excellent rules. I verily believe the Inhabitants would willingly pay them the greatest part of their Salaries established by the Act for reading the Service and Catechising the Children reserving the overplus to any of your Missionaries who should visit them twice or thrice in the year.

In most of the parishes they have already established two or three readers who are the most capable persons we can get here. To some of which they allow pr. Ann thirty pounds. To others twenty pounds and to none less than Ten pounds.

The Gentleman you mentioned to be ordered from the Southward to Bath County is not yett arrived whenever he does I wish he may be such an one as they have need of otherwise he may prove of ill consequence by giving room to Sectaries breaking in upon the people, who as yet have few or none amongst them. How soon they may be fur-

nished I know not. They beginning now, to reap the benefit of Peace with the Heathen, which since my former I have had the good luck in a great measure to procure for them & make but little doubt of Establishing that great blessing.

I intend in the Fall to settle at Pemptisough with my Family & entreat your Favour with the Society, that an honest Gentleman may be appointed thither, where I am confident the poor People would do anything to encourage him to discharge so great a Trust, and whilst I am speaking for what I should esteem my own particular happiness to have the conversation of such an one, So you may be assured I would let nothing be wanting in my part make every thing Expedatious.

I beg my most humble duty to the most Honourable Society, whose commands I shall always Esteem my happiness to Obey whenever you communicate them to him who is with great respect

Sir Your Most humble Serv^t

CHARLES EDEN.

[B. P. R. O. B. T. PROPRIETIES. VOL. 10. Q. 77.]

MEMORIAL FROM M^r BERESFORD, REPRESENTING THE PRESENT STATE OF SOUTH CAROLINA.

(23rd June 1716.)

To the R^t Hon^{ble} the Lords Commissioners of Trade and Plantation.
May it please your Honours

The present State of South Carolina is as follows.

That Province having for a year past been engaged in Warr with the Indians Numbers of its Inhabitants have been destroyed by Fire and sword and many more have deserted the Place.

The small number of whitemen (fit to bear arms) that are left continue to desert the Province and had not the Government of Virginia and North Carolina sent to their assistance about two hundred men (for part of whom they were obliged to consent to Terms almost impossible to be complied with) many more if not the greatest part of the present Inhabitants would in all probability have deserted. The whole Province being thus distressed and despairing of further assistance from other American Colonies as also from the Honorable the Lords Proprietors of that Province, were under a necessity of making application to the King and Parliament to enable 'em to subdue or reduce their Enemies to Reason.

Accordingly their Case by Petition from their agent and severall Merchants of London trading thither was on the 9th of Aug^t last laid before the Parliament and after an Examination before the Committee. The Honorable House of Commons were pleased to address his Majesty to send to the assistance of Carolina such supplies as in his great wisdom should be thought needfull, the charge of which to be made good in the next aides

Whereupon his Majesty was graciously pleased to send a sufficient Quantity of arms & ammunition but the unnatural Rebellion obstructed sending men.

By advices since the said Stores of War were sent which came with Petition from the Upper and Lower Houses of Assembly of that Province to his Majesty for relief and protection it has been represented that a supply of men and money is the chief of what they stand in need of without which they are in the greatest danger of loosing that Province, the remaining small number of its Inhabitants being almost wearied out through continual fatigue and the charge insupportable.

A second Petition from the Agents Merchants and others to the King praying that some of the Rebels who petitioned for to be transported might be sent to Carolina to serve in the time of their Extremity until better provision could be made for them was under the consideration of his Majesty and the Lords of the Council. By other Letters and advices received the beginning of March last from the most interested and credible Inhabitants it appeared that notwithstanding they had made peace with one Nation of their Indian Enemies they were still obliged to employ all the force of Whitemen they could raise together with many of their black slaves against those Nations of Indians who were the forwardest to begin the War and have since comitted the greatest Barbarities.

All which Representations and Applications being made to this Government and also by proper persons here made known to the Honourable the Lord Proprietors and no sufficient assistance sent them. About the beginning this instant June arrived here from that Province another address to the King and a letter from the Assembly there very plainly setting forth their present State which having been shown to the Honourable the Lord Cartwright and others the Lords Proprietors of that Province they have signified their dislike thereto and as we have too much reason to fear will not only refuse to consent to what may be necessary on their parts but also endeavour to invalidate the said Representation which obliges us the more earnestly to make all the application we are able that the condition of those distressed subjects may in the most effectual manner be laid before and come under the consideration of his Majesty and

the Government with the greatest Expedition. The objections answered and the Province assisted by this Nation with men and money which if timely effected may prevent the destructive confusion if not utter ruin of that Frontier to the French Spaniards and Indians of all the English Plantations on the Main of America whose situation and Extent makes it capable of improvement in the best of commodities and Trade, on which subject we beg your Honours Patience will suffer us a little to enlarge and also to deliver some copies of the yearly imports and exports of the Province before their present troubles and thereby to expose the designs of the French and make known the advantages which will accrue to this Nation by preventing them and encouraging the cultivating of that fruitful Land. By many former circumstances as well as by the late Letter from the Assembly of Carolina there is too much reason to be assur'd that the French (who live and trade with the Indians from Quebeck and along the Lakes of Canida and Southward too and down the great river of Mississippi to Fort Morilla situated on a River near the Mouth of the said great River with the Bay of Mexico) have stirred up and encouraged severall Nations of Indians to this War.

And as the French have of late years (very far with the bounds of the Charter of Carolina) settled themselves on the back of the improved part of that Province by which they are as near those Indian Settlements who were in alliance with Carolina as the English there are, and thereby having possessed themselves from the Northernmost part of the Sea to the Southermost on the back of all the most valuable Brittish Plantations and Colonies on the Main of America and having with them very numerous Nations of Indians. 'Tis too obvious what they (especially South Carolina) must expect whenever a Rupture with France may happen if not before. It's also as obvious how formidable the French will grow there during Peace, considering how industrious they are in frequently supplying their Settlements with People &c. An Instance of which we were let to know by late advices from France that shipping with Men and Women were going from Brest to their New Colony Luciana on Mississippi which by the small number of Inhabitants in Carolina the French had the opportunity to begin and by the present troubles with the Indians are encourag'd to encrease.

Carolina being the only Southern Frontier of all Brittish America both to the French and Spaniards who have sheltered those very Indians who comenced this present War with the English it is humbly presumed that a settlement of his Majestys Subjects on one of the Bahama Islands (now inhabited only by a few scattered English Settlements notorious for being without Governmen^t &c) with a small garrison there it being on the

Eastermost side of the Gulf of Florida, and the like Settlement and Garrison on Port Royall Island adjoyning the main land of Carolina on the opposite side of the Gulf, and as occasions might be vessels appointed to attend that short Cruise would be the greatest security imaginable not only to Carolina but to other American Colonies possest by the English.

Those Islands being a very pleasant and profitable Climate when protected and encouraged will very soon florish and fill with Inhabitants and in some measure deter the French from increasing their Settlements on Mesissippi for as much as it will be difficult for any ships to come through the Gulf (as all Spanish Galloons and French from Mesissippi and Morilla are obliged to) but they will be discovered. Port Royall Island hath an extraordinary Harbour for shipping by all Pilots allowed to be the best upon the coast of Carolina having about four fathom Water on the most difficult Entrance and abounds with Provisions and Naval Stores and amongst the Bahama Islands it is beyond doubt there want not the like advantages for such an undertaking.

That in time of Peace it is much more adviseable to make such Settlements on the said Islands than in time of War is humbly presumed wants no Demonstration.

Carolina being thus circumstanced and capable of affording greater quantity of valuable produce than any other part of British America, as the best of Rice in abundance, all manner of Timber for building, shipping in great plenty, Pitch, Tar, Turpentine, Rossin, Indigo and Silk which has been manufactured in London and proves to be of extraordinary Substance and Lustre omitting to mention the great quantity of provisions and other necessarys it affords the Plantation. 'Tis humbly hoped the King and Parliament will be of opinion that it merits a particular notice and Protection.

That Colony being capable of producing sufficient quantities of many of the aforesaid commodities not only to supply great Brittain but several other parts of Europe the first costs of which being paid for in british manufactury and the whole freight redounding to his Majestys Subjects are circumstances worthy the notice of the Legislature.

If the Inhabitants of Carolina and the Bahama Islands were more numerous and protected it is not doubted but that several other productions would thrive well in that climate as sentchanel, sugar, Fruit Coffee Olives Spanish vines Drugs and Cotton Wool & has been tryed & comes to perfection not to enlarge on the mines of silver if not gold which are expected to be found in the Appalatia Mountains, seituate between the Frenches new settlement on Mesisseppi and the improved Part of Carolina.

There are also great quantities of Cedar & Cypress far exceeding any Norway Deals being free from Knots of curious white colour, great lengths proper for flooring of the most magnificent Buildings. The Cedar for some uses far exceed any other sort of wood and at the request of some Noblemen and Gentlemen of this Nation hath been brought into this Kingdome but the Importers being obliged to pay duty for it as Sweetwood amounts to a Prohibition the further Importation thereof has been quite discouraged our navigation lessend and and given to Foreigners of whom we purchase in part with Money and loose the advantage of Freight

RICH^d BERESFORD.

A DEMONSTRATION OF THE PRESENT STATE OF SOUTH CAROLINA.

The value of the Province the year before the Indian War viz ^t Lands, Negroes, Stock Merchan ^{dez} and all other Prof- fitt and Improvements by an Assem ^{bl} the sum total amounting to.....	£709,763
The value of the Province is diminished by destruction, desertion &c: at least a third which is.....	£236,587
The Bills of Credit made current before the War and now extant are.....	£44,000
The Debts and Bills since the War.....	£140,000
The value of Ten thousand Negroes at Twenty pounds each which being the only thing the Inhabitants can carry with them when they desert the Province or im- prove their Lands and subsist themselves with, while there they will never part with and therefore the sum of them to be deducted which is.....	£200,000
The remaining sum to be exosted before their Debts will be equal to the value of their Lands and other Stock after which (in point of Interest) it seems to be equal for the Inhabitants to leave the Province or stay & pay the Debt if their Troubles were at an end, but if the War continue & the Inhabitants remain on the Land there is too much reason to fear they will be reduced to the miserable condition of their Neighbours in the Ba- hama Islands, which we hope his most gracious Majesty the King under God will timely prevent.....	89 176 £709 763

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.

NORTH CAROLINA

June 22nd 1717.

Sir

You will say my other Letter of the same date needed no additions but cannot avoid acquainting you that by the same opportunity comes one of our great Dons upon an Embassy from the whole country fraught with complaints against the Governor (I suppose I shall not escape) he is a Clergyman's son in Yorkshire bears the great name of Gale, I know not how near a kin to the late Dean of York. he has a little smack of school learning, was sometime Clerk to a country attorney at Lancaster, the occasion of his coming into this hiding place is unknown to me tho' I suppose not uncommon with other our worthy Patriots a great show of Learning gained him great Esteem among the Beast in the woods he has past long for an Oracle, gone through all the Offices in the Government save that he is said now to push for, i e, that of the Governor.

Upon the breaking out of the Indian War he went to South Carolina for assistance there he prevailed with Mrs Blacke one of the Proprietors to make him her duty (depty); in his return he was taken prisoner by the French and carried to Martinio, at length he came back to us, was for his good offices and sufferings, presented with a purse of money, made Colonel of Bath County then the heat of the war but by reason of his unfitness laid that down and being deemed learned in the Law was made Chief Justice of the whole Province Being arrived to this High Pitch of supposed grandeur he grew very impertinent, he hath often opposed me in matters relating to church discipline and all the authority he had could assign was the practice of a poor country Parson his father, I believe him equally knowing in everything else he pretends to, In our debates when he had no other answer he would appeal to his dignity and Imaginary power which he thought gave authority enough to all he asserted, nay he did not stick once to rebuke me for contradicting him telling we were not equals and that I ought to pay a greater deference to what he said, how false soever; as to the first I was entirely of his mind and as to the latter I cannot see why I should be borne down by such a Blockhead when I had good authority for what I said, he intends to dethrone the Governor, this is publicly known and if he succeeds him not then he will come

And their Lord^{ps} were of opinion that M^r Eden's said Report & Remarks &c are a full and just vindication of their Lord^{ps} Officers in that part of the Province from the unjust and malicious complaints of M^r Lee in relation to the Laps'd Land.

It was their Lord^{ps} opinion that the Tenants ought to be held to their covenants in their Grand Deeds in relation to the payment of their Quit Rents but that all the purchase money now due for land should be made in Sterling Money or sixteen penny weight the Crown or in the produce of the Country equivalent thereunto And their Lordships resolv'd to put a stop to the selling of lands of North Carolina but at their own Board

Order'd that a letter upon this subject be prepared by the Secretary to the Council and Assembly of North Carolina.

[B. P. R. O. B. T. NO. CAROLINA. VOL. 6. P. 35.]

LETTER TO THE COUNCIL & ASSEMBLY OF NORTH CAROLINA.

1716. August 1st

To the Council and Assembly of North Carolina Gentlemen,

Our Governor M^r Eden having sent the Laws of our Province of North Carolina, as they were revised and settled by you at the last meeting of your Biennial Assembly which began on the 13th Nov^r 1715 that we might peruse and give Our Approbation of the same; We do hereby assure you that we will carefully look them over, and ratify and confirm such of them as may any way contribute to the good Government Trade or Welfare of our said Province, and shall take care to transmit them to you with what convenient speed we can.

But in the mean time we cannot but take notice how unreasonably you concern yourselves in matters relating only to Us, which is our property vizt. You wou'd in a Clause of your last Act of Assembly oblige Our Receiver to take your Bills for the purchasing of Our Lands, and for the payments of the small quit Rents we have reserved by the Deeds of Sale. We think you have nothing to do with our Lands and therefore you must expect to receive that Clause at least, in that Act of Assembly repeal'd.

We are of opinion that our Tenants ought to be held to their Covenants in their Grand Deeds in relation to the payment of their Quit Rents and that all the purchase money now due for Lands shou'd be made in sterling money or at sixteen penny weight the Crown, or in the produce of the Country equivalent therunto.

We are further to inform you Gentlemen that we have resolv'd that no more Land shall be sold in Our Province of North Carolina, but that such sales of Land only as are made here at our Board shall be good.

We desire you to remember that all Laws pass'd by the Assembly, after they are repeal'd by Us are voyd, and that no Law whatever either already pass'd or that hereafter shall be pass'd can be in Force for any Longer time than two years, unless such Law is within that time confirmed under the Hands and Seals of Lord Palatin and four more of the Lords Proprietors.

M^r Eden has sent to us a Petition he received from the Freeholders and Inhabitants of Bath Town in the County of Bath may be made a Sea Port Town, and a Corporation; We are very willing to indulge the Inhabitants of our Province in any reasonable Request, and we have therefore order'd Our Secretary to draw an Instrument to signify to the Custom house here Our Pleasure that the Town of Bath shall be made a Sea Port Town, and to send a Duplicate of the said Instrum^t to you that you may lay the same before the Surveyor General of the Customs when he shall arrive in Our Province of North Carolina.

We doubt not Gentlemen of your Endeavours for the Good of our Province; So We bid you heartily farewell, and are,

Your very loving Friends

CARTERET Palatin

JA: BERTIE for Beaufort

FULWAR SKIPWITH for Craven

M. ASHLEY

J. COLLETON

J. DANSON

August y^e 1st 1716.

[B. P. R. O. B. T. NO. CAROLINA. VOL. 6. P. 39.]

1716 August 1st

John Lord Carteret Palatin, Henry Duke of Beaufort, William Lord Craven, Maurice Ashley Esq^{re} S^r John Colleton Bar^t John Danson Esq^{re} and the rest of the true and absolute Lords Proprietors of the Province of Carolina, To all to whom these presents shall come Greeting.

Whereas by a Royal Charter bearing Date the 30th Day of June in the 17th year of the reign of King Charles the 2^d there is granted to us,

Our Heirs and Assignes, full and absolute Power and Authority to make, erect and constitute within the said Province and Territory, such and so many Seaports, Harbours, Creeks and other places for Discharge and unlading of Goods and Merchandizes out of ships, Boats and other Vessels, and for lading of them in such and so many Places and with such Jurisdictions, Privileges and Franchises, as to Us shall seem most expedient, and that all and singular the ships, Boats and other Vessells which shall come with Merchandizes and Trade into the said Province or Territory, or shall depart out of the same shall be laden and unlade at such Ports only as shall be constituted by Us the Lords Proprietors of the Province aforesaid, Our Heires and Assignes and not elsewhere, any Use, Custom or anything to the contrary in any wise notwithstanding. And whereas several of the Inhabitants of the Province of North Carolina have represented to us the several and great conveniences and advantages that may accrue to his Majesty's subjects in General by constituting and erecting a Port at Bath Town in the County of Bath, being, as the alledge the most proper place within the said Province for ships to take in Masts, Pitch, Tar Turpentine and other Naval Stores for the use of his Majesty's Fleet, and which may be purchased by such Merchandizes and Commodities, as are of the Growth, Production and Manufactory of his Majesty's Kingdom of Great Britain. We therefore (being desirous to render the Province of Carolina as usefull as may be to this his Majesty's Kingdom of Great Britain, and also considering what great Tracts of Land lye contiguous to the said Bath Town which may afford great quantities of Naval Stores Pursuant to the said Power granted to us by the said Charter & Patent have erected, constituted and appointed the said Bath Town, within the Province of North Carolina aforesaid to be a Seaport for the Discharge and unlading of any Goods, Merchandizes or Wares out of any ships, Boats or Vessels whatsoever, and for lading the same again, but with such Jurisdictions, Privileges and Franchises as to any other Sea Port within the said Province of Carolina shall in any wise belong or appertain. Provided always that all ships and vessels whatsoever coming into or going out of the said Port of Bath Town in the County of Bath aforesaid, and lading or unlading any Goods or Commodities there, and the Masters and Commanders thereof and their ladings shall be subject and liable to the same Duties and Visitations, Searches, Penalties and Forfeitures, as any Ships and their Ladings and any Commanders and Masters of Ships are subject and liable to, by virtue of any Act or Acts of Parliament relating to Trade and Navigation in any other Sea Port whatsoever in any of his Majesty's Provinces Colonies or Plan-

tations in America. Given at St James' under our Hands & Seals this 1st Day of August A. D. 1716.

CARTERET Palatin. FULWAR SKIPWITH for CRAVEN.
J. COLLETON JA: BERTIE for BEAUFORT,
M. ASHLEY. J. DANSON.

[B. P. R. O. B. T. NO. CAROLINA. VOL. 6. P. 37.]

LETTER TO THE GOVERNOR OF NORTH CAROLINA.

To Charles Eden Esq^{re}

Sir,

Your Report, in answer to our Letter wrote to you 26th March 1715 concerning the ill use some of our Officers made of the Law pass'd in the Assembly, relating to laps'd Lands, And also several Queries you put to M^r Lee and his answers thereunto, and a Petition of the Inhabitants of Craven Precinct, with your Remarks upon the Cases of the several Petitioners were this Day read at Our Board, and after a due consideration of those papers, we were all of Opinion, that they were a full and just Vindication of our Officers from the unreasonable and malicious Complaints made against them by M^r Lee. But that which gives us great satisfaction in your Report, is where you take notice that the Intention of our Letter to you was the Relief of Orphans and Widows and others who were render'd Objects of Compassion by the Calamities of the War, but you say hitherto very few have appear'd under those Circumstances, but if at any time such shall make their Case known, with very great pleasure you will do every thing in your Power for their Relief that we can require of you, This is all that We desire of you; For what We have constantly at heart is, that justice may be carefully and duly administer'd in Our Province, and that the Peace and Satisfaction of all the Inhabitants under Our Care be most effectually established.

The Body of your Laws have been laid before Us, We shall take care to peruse them, and repeal or confirm them after due Consideration, as we shall think most proper and convenient for the Service of the Country. What We have done in relation to the Bills passing in payments to Us for our Lands and for our small Quit Rents, We refer you to our Letter to the Councill and Assembly, but we have resolv'd that no Land shall be sold in the Province under your Care, but that such sales only

of Land as are made at our Board shall be good and of this We expect you shou'd give M^r Maule Our Surveyor General notice.

We have consented that Bath Town according to the Petition sent by you shall be made a Sea Port Town, and we have given our Secretary Orders accordingly. But how or after what manner it shall be made a Corporation we have taken time to consider of. We wish you all happiness and success in your Government and are,

Your very loving Friends.

CARTERET Palatin

JA: BERTIE for BEAUFORT

FULWAR SKIPWITH for CRAVEN

M. ASHLEY

J. COLLETON

J. DANSON

August 1st 1716

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a Council holden at the Chappell in the Precinct of Chowan on Fryday y^e 3^d day of Augst 1716.

Present The Hon^{ble} Charles Eden Esq^r Governo^r Cap^t Gen^l Adm^l

The Hon ^{bles}	{	Tho ^s Pollock	}	Esq ^r Lds prop ^{trs} Dep ^{ty} s
		Nath Chevin		
		W ^m Reed		
		Ch ^r Gale		
		Fra ^s Foster		
		T Knight		

Upon Petition of Andrew Salesbury Shewing that a Tract of Land q^t ninety acres formerly Pattented by George Smith. is now Laps'd for want of being seated in due time pursuant to y^e Said pattent and prayes the same may be Granted to him

Ordered that the same be granted as pray'd for

Upon petition of William Barber Shewing that his Father Charles Barber had a Tract of Land Containing acres Granted to him by Pattent dated April 1712 which said Land is now Elapsed for want of being seated in due time pursuant to the Tenor of y^e said pattent and prayes y^e same may be granted to him

Ordered that y^e same be granted as pray'd for

Upon Petition of Co^{ll} W^m Maule Shewing that a Tract of Land lyeing upon y^e horse swamp in Chowan was formerly Granted by Pattent to John Early which said Land is now Lapsd for want of seating pursuant to y^e Tenor of y^e said Pattent and prayes that the same may be Granted to him

Ordered that the same granted as prayd for

Upon Petition of Co^{ll} W^m Maule Shewing that a Tract of Land on y^e horse swamp in Chowan Containing One hundred and fifty acres was formerly Granted by pattent to Isaac Lewis and is now Elaps'd for want of being Seated in due time pursuant to the purport of y^e said pattent and prayes the same may be granted to him

Ordered that the same be granted as prayd for

Upon Petition Edward Davis Shewing that a Tract of Land Containing Three hundred acres was formerly Granted by Pattent to his Father Francis Davis and is now lapsd for want of being seated in due time pursuant to y^e Tenore of y^e said Pattent and prayes that the same be granted to him

Ordered that the same be granted as prayd for

Anne Smyth by an Instrument of writeing under her hand and produced to this Board made a Publick renuncea^on of her Guardianship to Anne Mackoy an Orphan child of James Mackoy's Deed and prays that Mr John Porter may have y^e Guardianship of y^e said Orphan

Ordered that the said John Porter have Letters of Guardianship for y^e said Annie Mackoy accordingly

Upon Refferrince from the Last Council board Major Thomas Luten comes by his Petition Setting forth that Madam Polluck by her Last will and Testament bearing date y^e Twentyeth day of May 1712 haveing nominated and appointed him the said Luten to be Executo^r of her Last will and Testament and for y^e Continua^on of the Executorship of divers other Wills whereto she was Executr^x she did in that her Last will and Testament by a particular Clause nominate and appoint yo^r petitioner to be Execut^r to all those wills to which she was Executr^x of and he havein according to Law Caused the will to be provd in the General Court of this province and prayes that it may be entered upon Record and that he may have Letters Testamentary Granted thereon according to Law that the Execu^on of those wills and Testaments whereof she was Executr^x may not be retarded and that such things in action as pertain to y^e said Ester may be fully Administered according to Law

And Farther prayes that if any Caveat be entered against Letters Testamentary being Granted on y^e said Esters Will that he may have a

Coppy of it and that a certain day may be prefixed for the determining whither the said caveat be just or Reasonable or not

And the Hon^{ble} Thomas Pollock who was the Husband of the said Hester at the time of her Decease haveing duly Entered a Cavent against y^e probate of y^e said Will or against any Letters Testamentary being Granted thereon likewise came this day and argued his reasons for y^e same and this Board haveing duly heard and Maturely considered the reasons urged on both sides are of Opinion and do hereby Order Adjudge and Declare that so farr as the said Will relates to the Estates y^t was of Co^{ll} William Wilkenson Dees'd y^e former husband of y^e said Ester or y^e Estate that now is of the said Coll Thomas Pollock is voyd and y^t and that Letters Testamentary ought not to go out thereon But that Letters Testamentary may be granted on the said Will so farr as it relates to the Executorship of M^r Harveys will therein mentioned

Upon Petition of John Avery Shewing that sometime in August 1713 y^e said Avery being in Prince George's County in Virginia met with one John Fox aged ab^t fifteen years who being Desireous to live in North Carolina to learn to be a Ship Carpenter bound himsef an apprentice to y^e said John Avery for Six years before one Stith Bolling Gent one of her Maj^{ties} Justices of y^e said County as is practiable in y^e Governm^t of Virginia whereupon y^e said Avery brought y^e said Fox into North Carolina with him and Caused the sd John his said Apprentice to be Taught and Instructed to read and write and was at other Charges and Expences concerning him and haveing now made him serviceable and usefull to him in y^e Occupation of a Shipp Carpenter to y^e Great Content and Seeming Satisfaction of the said Foxes Mother and Father in Law one Cary Godby of Chowan Precinct But y^e Said Cary intending to proffitt and advantage himsef by the Labour and usefullness of y^e said John Fox hath advised the said Fox to withdraw himsef from yo^r petition^{rs} service and to bring along with him his Indentures of apprenticeship & is now Entertained and harboured by the said Cary Godby and therefore prays that the s^d Fox may be apprehended and brought before this Board their to be dealt with according to Law

Accordingly the said Fox and y^e said Godby this day appear'd and y^e matter being debated and maturely Considered by this board

It is Ordered that the said Fox do forthwith return to his said Mast^r and demean himsef as an apprentice ought during the remainder of his said Terme and that the said Avery do provide for him and use him as becomes such an Apprentice.

Upon Petition of Emanuel Lowe Gent Showing that his Father in Law John Archdale Esq^r Govern^r of North Carolina purchasing a Tract of Land in Pasquotank precinct lyeing in the mouth of New begun Creek Containing One Thousand and Six Acres Gave y^e same unto y^e said petitioner and y^t some time in the month of February Anno Dom 1696 dureing the time of his being Governo^r of Carolina he sign'd and pats^t a purchase pattent for ye same according to y^e Custom of N^o Carolina in y^e petitioners name and y^e petitioner not being then an Inhabitant of N^o Carolina the said John Archdale Esq^r left the same in the hands of Daniel Akehurst Esq^r Attorney of y^e said Archdale who afterwards caused the same to be recorded in the Secretarys Office by order of y^e said John Archdale Esq^r which Orriginal pattent has been seen by divers persons particularly by M^r Joseph Jurdane who married the Daughter of y^e said Akehurst and by M^r W^m Everigen but the Pattent being lost your petition^{rs} Title to y^e same may be like to be called in Question prayes that a purchase Pattent for y^e same One Thousand & six Acres may be granted him

Ordered that a purchase pattent do Issue out to him the said Lowe for y^e said Land according to y^e former pattent as it is sett forth by y^e said Petitioner

Upon Petition of James Beezly setting forth that a Tract of Land on Morratack River formerly Granted to Rich^d Davenport is Lap^{sd} for want of being Seatted in Due Time pursuant to v^e said Pattent and prays y^e same be granted to him

Ordered that the same be granted as pray'd

Then this Board adjourned till to morrow nine of y^e Clock

Saturday Morning Nine of y^e Clock this Board mett at the house of y^e hon^{ble} y^e Governo^{rs}

Present the hon^{ble} the Governo^r &c

The Hon ^{bles}	{ Tho ^s Pollock W ^m Reed ffrs ^s Foster T. Knight N Chevin }	Esq ^r Lds proprietors Dep ^{ties}
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The Hon^{ble} Governo^r having Communicated to this Board a Letter from the Governo^r of Verginia thereby acquainting him of his Intention to Settle the Enoe, Sawra & Keeawawes Indians at Enoe Town and to desire y^e Concurrence of this Government thereto which being Considered by this board it is their Opinion that this Governm^t cannot by any means Concur in that affaire by reason that a Letter lately received from

y^e Governo^r of South Carolina and also laid before this board wee are assured that Sawraw Indians are now in Actual Warr against y^e Inhabitants of that Governm^t and we have also reason to believe that the Enoe and Keeowaws are also engaged in y^e Same Warr

This Board is also further of opinion that notwithstanding the present necessitys of the Government of South Carolina should Oblidge them to come into a peace with y^e Indians yet in regard they have always been a Treacherous and Roguish people It would be of the worst Consequence to settle them in any part of this Government. And more Especially at Enoe Town it being on the very Frontiers of our Settlement where they would be Capable of Supplying our Enemies and do Offices of y^e most Dangerous Consequence to this and our Neighbouring Governm^t of South Carolina

The Hon^{ble} the Governo^r haveing also communicated a Letter to this Board from y^e Governo^r of South Carolina wherein he desires that some of our Indians and white men may be sent out to annoy the sawraws and other of y^e Northward Indians and Enemies to that Government

It is y^e Opinion and request of this board that the Governm^t Doe appoint Tenn or Twelve voluntiers with such a number of Indians as he shall think fitt to goe out upon that Expidition and that he give them such Instructions as to him shall seem meet in that affaire

The Hon^{ble} the Governo^r haveing Laid before this Board some papers said to be a Coppy of the Journal of the Lower house assembly Dated in Novem^{br} 1715 wherein amongst other things are Conteyned the following Resolves (viz) Resolved that that the Impressing the Inhabitants of this Governm^t or their Effects under pretence of its being for y^e Publick Service without Authority of Assembly is unwarrantable A Great Infringm^t of the Liberty of y^e Subjects and very much weaken y^e Governm^t by causing many to Leave it

Resolved that the Late Ill Treatment of y^e Core Indians Contrary to the articles made with them and the Teno^r of an Act of Assembly relating to Indyan Affaires very Injurious to the Justice and Regulacon of this Governm^t and is likely to involve this Government if not a Warr wth y^e Indians.

Resolv'd that such persons who refuse to Take the publick Bills of Credit in payment of Fees or Quit Rents or that demand or Receive any allowance for Takeing Fees or Quitt rents in bills do very much lessen y^e Credit of them and are Guilty of a very Great Breach of the act of Assembly concerning the currency of the bills

Resolved that Co^{ll} Edward Moseley Speaker M^r Joseph Jessup Co^{ll} Thos Boyd M^r W^m Swan M^r John Porter Cap^t Fred^k Jones and M^r Daniel Macfarlan or any four of them have full power and Authority to represent the Deplorable Circumstances of this Governm^t to y^e Lds proprietors and that their Ldsps be Intreated to accept of y^e Publick Bills of Credit for y^e purchase of Lands in this Governm^t as well as in South Carolina

It is the Opinion of this Board that the said Resolves and Every of them were Clandestinely obteyned and entered in the said Journal on purpose to Torment and Create Differences unreasonable Jealousies and Contempt of y^e authoritys of this Governm^t for that no such resolves were ever Published at the same Assembly nor Communicated to y^e upper house at the time of y^e Setting of y^e said Assembly as in such Cases are used and ought to have been and particularly As to the first resolve it is the Opinion of this Board that the same Tends very much to y^e Infringement of y^e Authorities and powers of y^e Government for that it is undoubtedly prerogative to impress and provide such necessaries as they shall see fitting on any present Invasion Insurrection or other pressing Emmergensies or unforeseen necessaties

As to y^e Second Resolve it is y^e Opinion of this Board that the same could be devised for no other Intent or design than to Create Jealousies and Ill affections in y^e People to wards y^e present Administration of y^e Governm^t for y^t the Core Indian had always Since y^e Treaties of peace with them the Greatest Indulgencies till by an Open violacon of y^e said Treaties they attempted to murder one of her maj^{ties} subject and stood out as Enemies in the utmost Deffiance of this Governm^t and that what proceedings was afterwards had and Done Against them was done by and with y^e Concurrence and assent of y^e Governor and Council upon upon mature Consideracon thereof first had

As to the third Resolve it is the Opinion of this Board that the same was Devised on purpose to Infringe the prerogative of the proprietors and to Create Jelousie in them of y^e faithfull services of y^e Officers here

And to y^e Fourth resolve it is likewise the Opinion of this Board that the same was Devised on purpose to give some Ill and Disaffected persons the Liberty Clandestinely to vent their own malice to y^e Lds proprietors against y^e present administration under the nocon and ombrage of the Representatives of whole County.

[FROM N. C. LETTER BOOK OF S. P. G.]

LETTER FROM M^r RAINSFORD DEL^d BY HIMSELF.

Augst 17th 1716

Worthy S^r

The enclosed is a copy of a letter formerly sent to the Society by the Governor of North Carolina laying before 'em the then as well as present miserable State of the Inhabitants, for want of Missionaries to enlighten 'em with the bright Shineing of Christianity in the dark corner of y^e earth: His Honours meeting with no return of his first letter occasion'd the trouble of this, and he begged of me (being formerly a Missionary there) not only to deliver it to their Secretary with my own hands, but in his and the Country's name to implore further assistance from the Venerable Body in so momentous a concern.

Since my arrival here I have been to wait upon my Lord Bishop of London with a letter from the Governor of Virginia relating to my own particular behaviour and managements in the plantations abroad; His Lordship upon reading of it was pleased to express a great deal of satisfaction for the good services done by me in those parts; and ordered me to waite on the Society to know their pleasure whether they were inclined to send any further assistance to North Carolina the place it formerly belonged to. That poor Colony will soon be overrun with Quakerism and infidelity if not timely prevented by your sending over able and sober Missionaries as well as Schoolmasters to reside among them. These two years past every third Sunday I constantly preached in Albemarle County in North Carolina and have engaged others from going to Quakerism as can be attested by the Inhabitants: While I was in the Society's employ I served 'em faithfully and to the uttermost of my power and I shall again whenever there is occasion for the service of, Sir

Your most Obe^t & Humble Serv^t

GILES RAINSFORD.

M^r GUY TO THE SECRETARY.—(EXTRACT.)

I desire you to return my hearty thanks to the Hon^{ble} Society for their seasonable relief and acquaint them that I shall always be ready and Careful to observe their directions. An instance whereof I have now given the Clergy at the said meeting when the Honorable Society's letter was produced before them by the Rev^d the Commissary—wherein orders

was given to him (with the advice and consent of the majority of the Missionaries to send one to North Carolina: Tho I was of opinion with the rest of my Brethren that none of us came directly within the fore-mentioned order as is expressed in our public letter of thanks the 25th of January yet in obedience to the Society's order and to express my readiness to promote their pious designs offered myself to undertake that Mission but my loveing Brethren considering that I was marry'd and my wife near the time of her delivery would not approve of my going & therefore chose the Rev^d M^r Taylor (being willing) to undertake that Mission

[COUNCIL JOURNAL.]

NORTH CAROLINA SS.

Att a Council holden at y^e house of y^e hon^{ble} Co^{ll} Thos Pollock in Chowan Precinct on Thursday y^e 23^d day of August 1716

Present the Hon^{ble} Charles Eden Esq^r Governo^r Cap^{tn} Gen^l & Adm^l

The Hon^{ble} { Tho^s Pollock
Nath Chevin } Esq^r Lds proprieto^r Dep^{ties}
T Knight

Ordered that a proclamation be Issue out for Dissolving this present Assembly

Upon Petition of Cap^t Richard Sanderson praying Appraisers may be appointed to apprise y^e Land assigned and laid out by act of Assembly for a Town on Roanoake Iseland pursuant to y^e said Act

Ordered that Jno Man John Scarbro William Scarbro William Tillet Ralf Matham Daniel Lyndsey Thos Johnson William Johnson Moses Rinoe Tho^s Spencer Joseph Berkeley Archibald Hartley being first Sworne thereto before some majistrate Doe appraise the said Land and make returne thereof accordingly

The Hon^{ble} the Governo^r havinge laid before this Board a Letter from Co^{ll} William Brice Importing that a partie of Indians supposed to be Sawras have lately fallen upon them and Killed one white man and an Indian slave of y^e said Brices and that the said Indians Appeare to be Extremely well armed provided with Ammunition and other Necessaries by which we are Induct to believe that they are a party of those Indians who have been lately Treating with the Government of Virginia and have been there Supply'd with those armes Ammunition &c Wherefore this board do humbly request that the Governo^r will be pleased to write

to the Governo^r of Verginia and desire him that he will not suffer any persons to trade with y^e said Sawra Indians or any other of the Southward Indians untill they shall Conclude a perfect peace with the Inhabitants as well of South Carolina as of this Government.

[B. P. R. O. B. T. VIRGINIA. VOL. 60.]

JOURNAL OF VIRGINIA COUNCIL.

NOVEMBER 3rd 1716.

On reading at this Board sundry letters from Co^{ll} Eden Governor of North Carolina signifying that he hath declared war against the Saraw Indians & desiring the assistance of this Government for cutting off that nation it appearing to this Board by the aforesaid letters that the occasion of the war which the government of North Carolina have thought fit to enter into with the Saraws is grounded upon a rencounter between some of the inhabitants of that Province and a party of Indians supposed to be Saraws wherein the English were the Aggressors and attacked the Indians first without any provocation given on their part. This Board are of opinion that it is not advisable for this Government to assist in a war so unjustly begun & especially considering that the Saraws are under a treaty with us (by the consent & approbation of the governm^t of South Carolina) & have the public faith for their safe passage into this government for concluding a peace And therefore the Council do approve of the Answer which the Governor hath already given to Co^{ll} Eden on this occasion as agreeable to the sense of this Board.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY—(EXTRACT)

North Carolina
Nov^r 13th 1716

Sir

I have already acquainted you with the Report of your Letters by Captⁿ Godfrey (who to the Great astonishment of every body is come a second time with a small ship from London) that to the Vestry of Pas-

quotank was delivered but is misunderstood by them: they imagine you want to knowe what they are willing to allow a Missionary and intend to make as large offers they did to me at my arrival & doubtless will be as well performed That Parish is now divided into two: the poorer half proposed to furnish me with a good House, Land, Stock of all kinds, and allow me £100 per annum, if I would abide altogether on their shore and yet the whole precinct was hard put to it to raise £30 in five years; it was collected in the produce of the Country in the space of three years and after 20 Journies 50 miles an end and several vestrys I first got £20 in paper money, and a year after with much ado, the remainder in like pay.

This I have formerly suggested but suppose I am not believed, and no wonder, for it is not credible that a minister should be so treated by a people who would be thought Christians; and think you the Vestry will ever own it! convince me of an untruth they cannot I defy them.

There was a vestry appointed for Chowan where I have resided six years and a half; several Essays have been made towards a meeting but there were a majority, at least we had Eight (whereof two refused to qualify themselves as the Act which I sent to the Society) directs and nowe they pretend without a new Act they are no vestry: all to evade paying me hoping by that means to drive me out of the Country as they have several others before me and so save their money. I offered to name others in the place of those that refused to act, but was answered that I was never levied by the parish and therefore not incumbent, the Gov^r dare not take upon him to do it, for a great part of the Colony are ready to unite against him for attempting to remove some of our great officers. They say they will have him out by one means or another

I am like to have a fine time out amidst such confusion: I took great pains this year to make divers sorts of grain Barley, Wheat, & Indian Corn, it pleased God to destroy all or most, quite throughout the Government, we must be supplied from abroad or starve and to complete our ruin, we have no meat in most parts. I did once hope to have had pork & Bacon of my own, but shall not have a morsel save wheat I feed with Indian Corn which is very scarce with me. I have not enough to keep me with Bread six months—no Beef, Butter or Cheese no fat to butter one nor make soap, no Tallow to make me few candles, so that we shall have a tedious winter long and Dark nights, hungry bellies, and dirty linen, I have nothing to buy with, let one wants be what they will: swamp water goes down worse in winter than in Summer. My Credit is lost, I have had so many Bills protested that no body will trust me, blessed circumstances but custom makes them something easier, this is

not the first complaint I have made, but expect I shall not be believed or not regarded wheretofore, 'tis strange living when a man is continually cracking his Brains how to get a Belly full of meat. I was not in Lancashire my native County at the time of the Rebellion, nor if there, would I have joined the Rebels, and why. I must remain in Exile I know not, but if it be my doom, I pray I may have £40 per annum in two Bills of Exchange payable at Barbadoes, that in West India Goods would Keep my House handsomely. I made the like suit to the Society 3 or 4 years ago and if complied with I had not needed to run into debt as I have done and draw faster than money became due, I hope I have some in Bank now & will eat Boild Corn and salt the year out, before I'll draw any more. Notitia Parochialis. I travelled as soon as the heat of summer was over quite through the Government from end to end, 100 miles southward, beyond Menze River 60 miles westwards Virginia, and as far northeast. I baptized in the last half year 279 whereof 11 adult. tho' the parents neglect, want of passage by land and water. I left many unbaptized in my travels I found the people of a temper throughout the Government very indifferent to religion will be at no pains or trouble about souls health and at the same time complain of me as if I were bound to go to every house, we have had no communion since Easter was twelve months as to other matters we continue *statu quo* These with my humble respect to the Honourable Society especially those who I am known to, are from

Sir

Your most humble serv^t

JOHN URMSTONE Missionary

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

Att a Council holden at y^e house of Cap^t John Pettiver in Pequimons, on Thursday y^e 15th day of Nov^{br} 1716

Present the Hon^{ble} Charles Eden Esq^r Governo^r Cap^t Gen^l and Adm^l

The Hon^{ble} { Nath Chevin }
 { W^m Reed } Esq^r Lds proprieto^{rs} Dep^{ties}
 { T Knight }

Cap^{tn} Frederick Jones presented to this Board a Deputa^{cion} from Lady Blake Guardian to Joseph Blake one of the True and Absolute Lds proprieto^{rs} of Carolina thereby appointing him to be Dep^{ty} to y^e said Joseph Blake which was read allow'd and ordered to be recorded

Then the said Cap^{tn} Fred^k Jones took and subscribed the Severall Oathes by Law appointed to be taken for his Quallification and tooke his place at y^e Board Accordingly

The Hon^{ble} y^e Governo^r laid before this Board a Letter from y^e Lords proprieto^{rs} directed to y^e Council and Assembly of North Carolina and their being at present no Assembly the said Letter was opened and read wherein y^e said Lds proprieto^{rs} has given this Board to understand that the Clause in the Act of Assembly obligeing the Receiver Gen^l to take the Bills for Quitt rents &c be repealed and y^t they Expect the purchase money and Quitt rents to be paid in Sterling money of Great Britain or in the produce of y^e Country to the value thereof

Whereupon Daniel Richardson Esq^r Receiver Gen^l made application to this board to know how he should proceed in his Collection of y^e Quitt rents that are now in arreares In answer to which this Board are of Opinion that he ought to pursue y^e Lds prop^{rs} Instructions to him but in regard of y^e Great Scarcity of this present Yeare It is likewise the opinion of this board that where people are poor and readie to pay without further Trouble that he only recieve one yeare and lett y^e Remainder stay in Arrears till y^e next

This Board taking into their Considera^{on} the Great Scarcity of Grain in the Country Doe ord^r that no Grain be Exported from hence forward till farther Order from this Board and that the Collector and other Officers of y^e Customes within this Government and all others whom it may Conserne doe take notice thereof

Ordered that the Secretary doe prepare a Letter to the Lds proprieto^{rs} setting forth the Inconvenience that will Accrue to y^e Country and y^e Ldps by stoping the sales of Land

Upon Petition of Gerrard Linch and Kathrine his wife Relict of Henry King Dees'd praying that Dividers may be appointed to Divide y^e Estate of y^e said Henry King

Ordered that John Hardy Esq^r Captⁿ David Henderson Lewis Brian and Tho^s West or any three of them doe make an Equal Division of all y^e negroes Goods & Chattells that were y^e said Henry Kings into three Equal parts and then the said Katherine have her first Choice of one third thereof and that then the said Dividers do divide y^e remaining Two Thirds equally between y^e several Children of y^e said Henry King the Eldest takeing his first choice and so proceeding to y^e youngest and that the said Girrard Luich doe at y^e next precinct Court held for Chowan precinct Give good and Sufficient Security for such parts of y^e said Estate as shall be due to such young Children as remains under the Care of him y^e said Gerrard and Catherine

[B. P. R. O. PROPRIETIES. B. T. VOL. 10. Q. 96.]

EXTRACTS OF SEVERAL LETTERS FROM CAROLINA
RELATING TO THE INDIAN WARR AND THE PRE-
JUDICE THAT PROVINCE HAS RECEIVED FROM
THE VIRGINIA INDIAN TRADERS REFER'D
TO IN M^r BOON & BERESFORDS RECE^d
Y^e 5 OF DECEMBER 1716

SOME PARAGRAPHS OF LETTERS FROM SOUTH CAROLINA.

May y^e 15th 1715.

The Sarraws give out amongst the Wineaus and Norward Indians that they are ordered by the Virginia Traders to destroy this Country and do their utmost Endeavours to draw those Indians with the Wace-maus to their party, they offer them plunder and threaten they will destroy all that will not side with them

June y^e 19th 1715

We have an account ~~of~~ some Indians that are lately taken that the Virginia Traders encouraged our Indians to do what they have done & promised to supply them at a much easier rate than our Indian Traders did and that they would give them much better treatment. We have the names of some of them who encouraged them to commit this barbarous act. I shall not say any more of this matter till we have a further account.

April y^e 5th 1716.

S^r

I perceived in the accounts of our affairs in England that the Lords Comm^{rs} of Trade are informed by M^r Byrd of Virginia several things which he knows but little of. But in one particular he is right, which is our Traders trusting so largely their Goods to the Indians, but as to every thing else it is false notions of the management of Indians who are naturally proud and only want good stores of our goods to set them on mischief. And if they were to have a good supply of goods at Virginia rates they would soon be our Masters, no people keeps their Indians in so much subjection as the Spaniards and only by keeping them poor, M^r Bird makes mention of their Tributaries in how great order they keep them, which altogether are but very few and compounded of at least eighteen or twenty different nations and the largest of them not above

eighty men and some but ten men. I heartily wish Virginia had all our Indians so we were but secured from them. That they may try whether their cheap selling them goods and kind usage would avail anything to such a number. There's another false ascertainment from a new England Merchant that we used to set our Friendly Indians together to war on each other for the advantage of slaves, which you know to be False and that it was always our care to keep them at Peace which we dearly pay for now.

I desire you will also take notice of the False Representation of the Virginians in England when S^r Nathaniel Johnson was our Governor. wherein is asserted that the Cattabas are in their Government which to your knowledge is not & I have taken the Latitude of the most northern Towns of those Indian Settlements which I found to be to the northward of Charles Town but 89 miles

April y^e 23rd 1715.

Two or three days since came an old Indian Man from the Waccamaw Indian y^t lives not far from the Wineaus Settlements he desired peace for those people, he declares that the Sarraws have ammunition from Virginia and that it is those who have done us the Mischief this Warr on the other side of Santee River.

August y^e 6th 1715.

Wee knowing that it was impossible the Waccamaus should be Supplied with ammunition from the Spaniards asked them how they came by it Since this war; they answered that what little they had they got from the Sarraws who constantly used to carry Slaves, Skins and other goods taken from us (of which they had a large share) to Virginia in lieu of which they returned home with Ammunition and what else they wanted, this being a great abuse, we hope you will represent it as such for this means they have been and still are enabled to hold against us.

CAROLINA Augst 30th 1715

S^r

Our Negosation with Virginia you have a Relation of in our publick Lett^r Nevertheless it may not be useless that I give you my thoughts on the designs and management of those Gentlemen.

They advise us that our Northern Enemies have courted them for a Trade with them, and that they have layd them under a promise of a ceasation of arms against us; and have order'd them to return with a certain Number of y^e great men; y^e which are to consist of all our Northern Enemies; with whom y^e Coll^o Spotswood writes us y^t hee

thinks if hee brings all of them to a Nutralitie it will be very much to our advantage.

And I believe he designs no more, because Cap^t Evans whom he sent hither as commander in chief of all his Forces: Declares that all his Instructions are that he shall not Fight against our Northern Enemies, wherefore I believe that Evans will return for Virginia.

Now S^r knowing how they treated the people of N^o Carolina when they were at war with y^e Tuskaroras, together with the fund of money layd out (and by whom) for y^e carrying on of y^e Indians Trayd.

I must judge they are willing to have us in a continual war with our Southern Indians that they may have the whole Trade with the Northern; Because it's certain as long as our war continues with any one party we cannot trade with the other.

Butt a far greater mischief attends any of our Enemies being brought to, or allowed to be Nuters, because under that covert they will both supply and assist our Enemies: then the sweat and Blood of our people will center in the coffers of the Indian trading company of Virginia (the w^{ch} I think they hope for). You will find in our address to y^e King, we pray him to command that a war be proclaimed in Virginia with all our Enemies And I hope you will with all earnestness press it, the which being granted, we have reason to judge would soon end the war: But if the contrary and any of our Enemies stand nuter, the charge will ruin us and we must leave this our hopefull place.

April 21. 1716.

I find by an address of thanks from many merch^{ts} and others of London to Coll^o Spotswood Governor of Virginia he is esteemed to be our only supporter and deliveror out of the Hands of our Enemies now it must be confest that upon the arrival of M^r Middleton who was sent to desire his assistance our messenger was receaved & treated at first sight with great civility and large promises of assistance but when the terms came to be stipulated he was forced to promise that for every man they suffered to come we should return an able Negro woman instead which should continue there and make good all the time each man should be absent and that the transportation of both black and white to and from the places should be at our cost and every man so sent should have 30 £ month and that we should pay what debts they ow'd in Virginia as far as that 30 £ month would reach the number of men sent was

But their officers and about 10 more excepted they were the most ignorant creeping naked people that ever was seen for such a number to-

gether and I verily believe many of them did not know how to load a gun some of them did confess they never did fire one, the armes that were sent with them were like themselves and so broke and out of order that above three quarters of them were sent to the smiths to be mended and M^r Middleton told us that the Governor had several hundred of choise armes which he desired part of for those men, the Gov^r answered they were the King's and he could not spare them. He also supplied us with some powder and shot but set such price on it in Buckskins y^t we could buy powder at 4 pound £ 66th cheaper in our own town when that arrived.

When M^r Middleton arrived and let us know his negotiation we were amazed at the sending of the Negroes and could not think it by any means practicable but in lieu thereof offered the men 50^s £ month with which they were content so that they had 4 pound £ month: the which we thought generous.

Now the Governor of Virginia taxes us with breach of contract and has upbraidingly writt to us on this foot, the whole story is too long to recite: and I suppose you are thoroly tyred with the potaige you have had &c. Whereupon know my resolution is to propose that the whole stipulation and other passages that have happened be truly copied and put in print in London that the world may see how Coll^o Spotswood has dealt with us and then they may judge whether his regard were not paid to our Buckskins and whether his ignorant mortals have defended us for we have sent back all that were willing to go and were glad to be eased of the charge altho we should be glad of a number of good men that our Planters might return to their Homes.

(Indorsed)

Rec^d } 5th Dec. 1716
Read }

Q. 96.

[EXTRACTS FROM JOURNAL OF SOUTH CAROLINA HOUSE OF ASSEMBLY 1716.]

[No 5—Page 8—Page 338. Original.]

Governor Hunter and Governor Eden claim also our best acknowledgments as persons sincerely affected with our calamities. The one sending us a very considerable assistance in gallant & expert officers and soldiers; & the other laboring with the greatest application and industry

to engage the warlike Senekas in our cause, a people who by the power of their arms and terror of their name, are alone equal to the War, and sufficient to subdue all our enemies, and whom we may daily expect to that purpose.

* * * * *

CHARLES CRAVEN.

Upon a motion being made, that an address of thanks be returned to ye Governor for his speech made to the House; Ordered that Arthur Middleton Esq. Maj James Cockran, M^r Benj. De La Conscience and M^r Tho^s Diston be and they are hereby appointed a committee to draw up an address to that purpose and that they prepare and bring in the same tomorrow morning.

[Page 9—338 in the Original.]

The House being informed that Lieut. General James Moore and Col. Maurice Moore attend according as the House desired, who according to order being admitted in, M^r Speaker (by direction from the House) informing them that the House desired to know their opinion, whether or no, one hundred white men might not be sufficient to go along with ye said Indians or ye aforesaid expedition, they declared, they were of opinion, that one hundred white men were certainly sufficient for that purpose; and then they withdrew.

Lieut. James Moore being sent for again was (by M^r Speaker) desired to let the House know if he had discoursed with Cherokee Hecky relating to the aforesaid one hundred white men, & he informed the House, that he had already discoursed with him on that subject, who told him, that one hundred white men were sufficient to go on the said expedition.

The House proceed to take under debate the other part of the aforesaid written message, relating to the number of arms and ammunition; and after some time spent therein; Resolved; that two hundred arms and ammunition proportionable be provided for the aforesaid expedition.

Ordered; that the Clerk of this House draw up an answer to ye aforesaid written message of the Governor and Council. The Clerk having drawn the said Message, it was agreed to by the House and ordered to be engrossed.

[Page 16—Page 343 in the Original.]

A Message from the Governor and Council by Capt. John Croft Dep. Secretary with a petition from Col. Maurice Moore recommend to the consideration of this House.

Resolved; That this House will, at their meeting this afternoon take the same into consideration.

In the afternoon the House met according to adjournment.

The House (according to order) proceeded to take into consideration the petition of Col. Maurice Moore, which was thereupon ordered to be read, the said speech was read accordingly; Upon motion and debate of the same.

Ordered; That Col. Maurice Moore be desired (by the Messenger) to attend this House, and when come into the same Mr Speaker do give him the thanks of this House for his service to this Province, in his coming so cheerfully with the forces brought from North Carolina to our assistance, and for what further services he and they have done since their arrival here.

The House being informed that Col. Maurice Moore attended; it was ordered that he should be admitted; who was admitted accordingly, and Mr Speaker (according to order) gave him the thanks of this House for his said services; And having expressed his acknowledgment to the House for that favor, he then withdrew.

On a further debate of the subject matter contained in the petition—

Resolved; That for the encouragement of the private soldiers who came from North Carolina to the assistance of this Province, to continue longer in the service of the same in the expedition to the Cherokees, and also for such other soldiers as may serve therein, that the sum of six pound current money per month be allowed to each of them, and so proportionable during the time they shall remain in the said service and that such of them who shall provide themselves horses shall be allowed seven Pounds per month.

Resolved; That for an encouragement to the officers who shall command the said soldiers in the said Cherokee expedition; that the Lieut. General of those forces be allowed forty Pounds per month; three other officers each sixteen Pounds per month and one other officer twelve Pounds per month, and so proportionable during the time they shall remain in the said service.

Ordered; That Col. Maurice Moore, (by the messenger) be desired to attend this House who attending accordingly; Ordered; That he be admitted in; and that the two above resolutions be read to him when he is so admitted. The said Col. Moore being admitted accordingly, and the aforesaid resolutions read to him by the Clerk He declared that the encouragement therein given was sufficient and after desiring copies of the said two resolutions, he withdrew.

Resolved ; That copies of the said resolutions be given to Col. Maurice Moore according to his desire, and Ordered that the same be attested by the Cl^{rk} of this House.

M^r Tho^s Diston made a Report, from the Committee appointed to buy the Indians trading goods, which are to be sent to the Cherokees ; That they had agreed for several goods for that purpose which Report he read in his place, and afterwards delivered in at the table.

The Committee appointed to buy the Indian trading goods, do Report, That the Said committee have bought most of the said goods this House ordered them, the particulars whereof will appear by the several Bills of parcels now laid before this House, but that there is still wanting 62 guns and 25 hangers to complete the complement of goods this House ordered the said Committee to contract for.

Upon debate of the subject matter of said Report,

Ordered ; That an endorsement be made on the back of the account of every parcel of goods bought for the use of the Cherokees, and that the same be in the following form of words. viz ; Pursuant to a resolution of the General Assembly, empowering a Committee of this House to buy a certain quantity of Indian trading goods, arms and ammunition for the use of the Publick, this engages the public faith to make payment and satisfaction for the within mentioned goods amounting to the sum of at the time and after the manner herein specified.

Ordered ; That M^r Speaker sign the same and that it be sent to the Governor and Council for their concurrence.

[Page 28—Page 350 in Original.]

THURSDAY March 8th 1716.

The House met according to adjournment.

The Clerk (according to Order) having prepared the address to the Governor, directed to be drawn yesterday by the House ; he read the same at the table which was agreed to by the House without any amendments.

Ordered ; That the said address be engrossed.
May it please your Honors.

This House having under their consideration the expediting the sending away the forces for the intended expedition to the Cherokees humbly desire your Honors to commissionate Lieut. General James Moore for that purpose, and four other officers under him, to three of which this House thinks fit for their encouragement to allow sixteen pounds each per month, and to the other twelve pounds per month. And do recom-

mend to your Honor Col. Theophilus Hastings, Col. Alex^r Macky, Major John Herbert and Capt. Joseph Ford to be the said officers.

Ordered; that M^r Speaker do sign the same.

THO. BROUGHTON Speaker.

Ordered; that Benj Schenckinigh & Capt. Walter Izard do carry the same message to the Governor.

Resolved; that a message be sent to the Governor relating to the officers who are to command the forces designed for the Cherokee expedition.

Ordered; that the Clerk draw up immediately a written message for the purpose, which was drawn up (according to order) and accordingly read by him at the table, to which the House having agreed with some amendments.

Ordered; that the said message be engrossed.

[Page 37—Page 355 Original.]

Upon motion, Ordered; That Col. Maurice Moore be by the messenger of this House desired to attend this House immediately; who attending accordingly, ordered; that he be admitted in, who was accordingly admitted. And M^r Speaker (by order of the House) acquainted him with the desire of the House, that he give orders to draw up the forces that came hither with him from North Carolina, somewhere without the Town, in order to know which of them will continue longer in the service of the War; which he promised to see and get done forthwith; and then withdrew.

[Page 40—Page 357 Original.]

Upon motion; Ordered; that the Commissioners appointed by an act of Assembly, for raising forces &c do draw an order or orders on the paymaster to the Army, to pay the forces that came from North Carolina under the command of Col. Theophilus Hastings to the assistance of this Province what money is due to them, in order to their being sent home.

Ordered; that M^r Speaker sign this order, and that it be sent to the Governor and Council for their Concurrence.

THO^s BROUGHTON Speaker.

No 5. Assented to in the Upper House.

CHARLES CRAVEN.

Ordered; that Capt Edw. Hyrne & Mr Samuel Wragg carry the Said order to the Governor & Council.

A Message from the Governor & Council by Capt. John Croft Dep. Sect^y who returned the order signed by the Governor, relating to paying

Col. Hastings men, & sent the petition of William Gray recommended to this House.

[Page 72—Page 371 in Original.]

A written message from the Governor and Council by Capt. John Croft Dep. Sec^{try} and with a letter from Col. Theophilus Hastings to Lieut. Gen. James Moore recommended to the consideration of this House.

Mr Speaker and Gents.

I have sent you the messenger that brought me the express from the Cherokees, that if you have any inclination to examine him he is there ready to answer the questions, I desire you to send me back Col. Hastings letter.

CHARLES CRAVEN.

The House being informed that Patrick Carrill who brought the said letter to the Governor attended he was admitted in, and examined as to some matters relating to the same and then withdrew.

[Page 170—.....]

FRIDAY NOV. 16th 1716.

The House being informed, that the Commissioners of the Indian Trade, attended in order to lay an account of their proceedings as such, before this House.

Ordered; that they be admitted in who were admitted accordingly; and having laid their several papers, relating to their proceedings & Col. Hastings journal before the House; they then withdrew.

Resolved; that the said proceedings, Journal and papers be taken in consideration at the meeting of the House this afternoon.

The House adjourned till the afternoon three o'clock.

In the afternoon the House met according to adjournment.

The House taking under Consideration and debate, the demands made by Col. Theophilus Hastings principal factor of the Indian trade upon the Commissioners thereof.

Upon reading the first article of said demands;

Resolved; that it is the opinion of this House, that three assistants are sufficient for and that so many be allowed the said Hastings, and that they be under him in carrying on the Indian trade at the Cherokees.

Upon reading the second and third articles of the same.

Resolved; that no expenses be allowed the said Hastings during the time of his stay in Charles Town, nor any thing allowed him to buy baskets or any thing else among the Indians for his own use; but that

for his encouragement, the sum of twenty Pounds over and above what the Commissioners of the said trade do allow him, be paid annually, out of the profits of the stock of the said trade.

Upon reading the fourth article of the same.

Resolved; that a blanket be given each of the two Indians who came down into the settlements along with the said Hastings.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY.

NORTH CAROLINA Dec^r 15th 1716

Sir.

In my last of Nov^r 13th last past I gave you an account of the extraordinary pains I have taken the last autumn; that I had visited all the corners of the Colony however obscure or inaccessible, Baptized great numbers, but not all that wanted it, through the stupid neglect of Parents &c and want of assistance in passages over all the petty creeks and swamps, wh^{ch} are almost between every House: the humours of the people in general being such, that when their turn is served, they care not who goes unserved. If I must continue here I shall attempt another progress in the Spring, God willing provided the Society shall not think fit to send more Labourers in this uncultivated vineyard and and then possibly I may stop the mouths of many complaints of neglect in my late endeavours.

By waiting to see what the Vestry would do & expecting an account of money is due to me from the Society and all my debts paid, I am reduced to great straits. in so much that I am now forced to draw afresh or starve; supply I expect none from the Country. The Governør can do me no service, for all are ready to kick against him and the sure way not to speed is to desire his assistance, Governors and Ministers here are generally accounted useless, Burdensome and ever enemies to the Country. I pray you therefore desire the Treasurer to the Society to pay to Joseph Jekyll Esq^r His Majesty's Collector of Customs at Boston in New England, or his order 20 pounds sterling (bills of equal date being produced) and if his correspondent the Bearer hereof will undertake it pay likewise 40 pounds of like money to be invested in goods to buy me 3 or 4 Negroes in Guinea; but if he refuse I beg some body may be

employed to engage some Guinea Captⁿ or Merchant to be delivered to the aforesaid Joⁿ Jekyll or to me 3 Negroes men of middle stature about 20 years old and a Girl of about 16 years. here is no living without servants there are none to be hired of any colour and none of the black kind to be sold good for anything under 50 or 60£ white servants are seldom worth keeping and never stay out the time indented for. I likewise desire a Bill of Exchange for £20 sterling payable to me or order at Barbadoes. I believe I have more due for according to my account: on the 25th Instant there will be an hundred pounds coming to me. I shall be glad to hear my requests are complied with and till then must struggle with a hard Winter, scarcity of Provisions, and rub through many more difficulties with all the patience I am endued with and ever be, Sir,

Your most humble Serv^t

JOⁿ URMSTONE

Missionary

[RECORDS OF GENERAL COURT.]

At a Generele Court of Oyer & Terminer & Gen^{all} Gaol delivery held at the House of W^m Branch in Chowan Precinct the 2^d Augst 1716

Pres^t Christopher Gale esq^r Ch Justice

Jn^o Worley }
Thos Harvey } Esq^m his Assistants

The Grand Sury Impaneled and sworne

Josth Sanderson fforeman

R^d Lewis

Jn^o Robinson

R^d Sewell

Jo^a Porter

Tho^s Rogers

Day^d Jones

Tho^s Luten Jun^r

Edw^d Howcott

Jn^o Jennet

Jam^s Ward

Tho^s Everitt

Martin ffred^k Razon

Jam^s Blount

ffra^s Branch

W^m Leary

Tho^s Yates

Geo^r Houghton

Jn^o Woodhouse

W^m Yates

Walis Bray

Jacob Rightley Bound to appear at y^s Court appeared, and is dismissed without day paying costs

Jn^o Worley esq^r is appointed overseer of the Highway from M^r Longs on the South shore to the flatt swamp and all person within the s^d Limits are required to work on the same Roads

Jn^o Worley esq^r desiring a road to be cleared from the Paupan Neck to Kendricks Creek.

Ordered that Jam^s Long, Tho^s Long, Jam^s Hooper Tho Hawkins Tho^s Stealey Benj^m Bloun^t R^d Canaday, R^d Swinson Jn^o Browney Nich^o Brightman Jn^o Swain & Jn^o Simpson be appointed a jury to lay out the same being first qualify'd and that they observe the Law in that case made and Provided.

Upon the Petition of W^m Stephens setting forth that an apprentice of his Jn^o Rutter deserted his service and is detained by Jam^s Thickpen and the s^d Thickpen appearing and shewing no Lawfull cause for detaining him, Ordered that the s^d Apprentice be returned to his s^d Master and continue with him according to his Indenture

Upon the hearing of sundry complaints of W^m Wilkison and Sarah his wife, & Jn^o Hassell.

It is ordered that the s^d Jn^o Hassell give security that he shall not cohabitt. with the s^d Sarah Wilkison

And now here at this day Jn^o Wattson in Custody of the Marshall to the barr here brought in his proper person came and being asked how of the Crime afs^d he would acquitt himself, said, that he is not thereof Guilty & of this he putt^s himself upon the Country and Dan^l Richardson who on this behalf followeth for the King likewise

Therefore immediately came a Jury thereof, and the Jurors of that Jury by the Marshall Impaneled being called (y^t is to say) Henry Bonner Lem^l Taylor Tho: Spight, Jn^o Harlow Xph^r Dudley Edw^d Jackson ffr^as Pridgeon, Cha^s Hopten, W^m Thompson John Goodin, Orlando Champeon, Jn^o Beverly Appeard, who to speak the truth of and upon the premises chosen, tryed and sworn say upon their oaths

We of the Jury find the Def^t not Guilty

Ordered that the s^d Wattson be dismissed without day paying his fees

And now here at this day Dan^l Richardson Esq^r Attorney Generall of our Lord the King being p^rsent here in Court in his proper person and being spoken to and asked if he against the said Mary Lee had any Information or presentment to make that the same might be laid before the Grand Jury answered, No. Whereupon by the Court here the said Mary Lee is dismist without day

To the Hon^{ble} Christopher Gale Esq^r Ch: Justice & to his assistants for holding the Genell: Court for this province

The Jurors for our sovereign Lord the King that now is presents Hugh Davis of the Precinet of Pequimons in the County of Albemarle in the Province af^{bd} ffor that he the s^d Hugh Davis on or about twentieth day of Nov^r 1715 did unlawfully mismark seven pigs belonging unto

Cap^{tn} John Pettiver Esq^r Contrary to an act of assembly in that behalf made and provided.

DAN^l RICHARDSON Attorney Gen^l

And upon this at the self same Court before y^e af^{sd} Justices the af^{sd} Hugh Davis in Custody of the Marsh^l to the Barr there brought in his proper person came and being asked how of the crime af^s he would acquitt himself said that he is not thereof Guilty and of this he putts himself upon the country and Dan^l Richardson who in this behalf followeth for the King likewise

Therefore immediately came a jury thereof & the Jurors of that Jury by the Marshall Impanelled being called (that is to say) Henry Bonner Lem^l Taylor, Tho. Spight, Jn^o Harlow Xph^r Dudley Edw^d Jackson ffra^s Pridgeon Cha^s Hopton, W^m Thompson, Jn^o Goodin, Orlando Champion, Rich^d Batchelor appear'd who to speak the truth of and upon the premises chosen tryed and sworn say upon their Oaths

We of the Jury find the Def^t not Guilty

Ordered that the s^d Davis be Dismiss^d without day paying his fees

To the Hon^{ble} Christopher Gale Esq^r Ch Justice & to his assistants for holding the Gen^l Court for this Province

The Jurors for our Sovereign Lord the king that now is presents M^r Tho^s Lee in the Precinct of Chowan in the County of Albemarle in the Province af^s for that he the s^d Tho^s Lee on the tenth day of July 1716 at Chowan af^s maliciously a certain false Libell in writing to the Defaming of Cap^t Jn^o Worley Esq^r one of the Justices of the af^s Generall Court did issue forth and Publish containing Inter alia these false and scandalous words following Thro' his ignorance and spight to me (meaning him the s^d Thomas Lee) I am like to be a great sufferer in many particulars for he takes opportunity (meaning him the s^d John Worley) of giving ill advice to my servants, and to give it to the prejudice of their master, and upon complaints made to him for debts above the Value of Twenty shillings he does not stick (meaning him the s^d Jn^o Worley) to intermeddle without law on his side but grants orders for the same and severely reprimands the Constable and Comands him not to give Copies of the Warrants & Orders he Executes, he exacts more ffees than the law allows which is contrary to the Oath, and when Goods are taken in Execution and the money Tendered he orders the officers not to Deliver them, & y^t Instead of doing his duty (meaning him the s^d John) he broke the Peace whereby the s^d John is Scandalisd & And is against the Peace of our Lord the King that now is his Crown and Dignity.

Wee the body of the Grand Jury for Albemarle County in the Province of North Carolina do present Charity Brown for that she hath a Bastard Child at the House of M^r Thos^s Rogers in this Precinct of Chowan

Also in Currytuck Precinct one Edw^d Boune leaving a wife in Virginia and keeps a whore in this Govern^t by which it very plain appears that She hath severall Bastards by him the s^d Boune.

Also one Susanah Brown living at Petty Shore hath two Bastards

Information of Cap^t Jn^o Worley also who keeps in his house the wife of Jn^o Hawkins she having severall children Contrary to Law.

JOS^{ph} SANDERSON

Adjourned to the Court in Course

C. GALE Ch: Just:

NORTH CAROLINA—SS

Charles Eden Esq^r Govern^r Cap^t Gen^{all} & Adm^{ll} of this Province

To Richard Sanderson, Jn^o Blount, Tho^s Miller Griffin Jones, Tho: Harvey, Jn^o Palin, Rob^t West Jn^o Worley, Benj^m West, Jn^o Hardey Esq^r Greeting

By vertue of a Commission and Instructions from his Excelly the Palatine and the rest of the R^t Hon^{ble} & Hon^{ble} Ld^s Prop^{rs} of Carolina to me directed thereby appointing me Govern^r Cap^{tn} Gen^{ll} & Adm^{ll} of this Province of North Carolina with full power and authority to comissionate and appoint all officers within the same as well civil as military.

I therefore being well assured of your Prudence Loyalty and Integrity doe hereby comissionate and appoint you joyntly and severally (during my pleasure) Justices of the Peace of this Government to keep or cause to be kept his Maj^{ty}s Peace as also all laws and Ordinances made for the well Govern^{te} of the same.

And forasmuch as the Ld^s Prop^r have by their Comission under their hands and Great Seal to Christopher Gale Esq^r their Chief Justice required me and their Ld^{sh}s Deputys here to Comissionate and appoint certain Persons of known skill and ability to be assistants to him the s^d Chief Justice in holding of Courts and hearing and determining of all Pleas y^t may be brought before him. Therefore I do by and with the advice & Consent of the Council a^{sd} hereby authorize and Impower you and any or every two of you being present to be associates or assistants to the s^d Chief Justice in holding a Generall Court for y^e Province at the times hereafter Expres'd (That is to say) on the last Tuesday in the Months of March July and October yearly and in y^e holding of all

pleas, hearing and determining of all actions suits and causes whatsoever as well civil as criminall Real Mixt Personall or any other kind or nature whatsoever to proceed thereon and award Judgements with as full power and authority as any Justices of the Generall Court heretofore might, could or ought to have done in all things proceeding according to the Laws and customs and Usages of this Government, and as neer as may be according to the Laws and Customs of Great Britain Given under my hand and seal of the Colony this 22^d day of October in the third year of the Reigne of our Sovereign Lord King George Annoque Dom. 1716

Recorded this

CHARLES EDEN

1st Nov^r 1716

R. HICKS Cl^k Court.

At a General Court of Oyer & Terminer & General Gaol Delivery held at the House of W^m Branch y^e in Chowan Precinct the 1st Nov^r 1716

Pres^{nt} Christopher Gale esq^r Chief Justice

Tho: Harvey } Esq^r Assistants
Jn^o Hardey }

The Grand Jury are Impanelled and sworn

Joseph Sanderson fforeman

R^d Stamps

Hen^r Bonner

W^m Russell

R^t Keele

Tho: Luten Jun^r

Lem^{ll} Taylor

Edw. Howcott

Jn^o Marks

Jn^o Jones

Na. Averitt

W^m Eggerton

Tho. Rogers

Jos^a Porter

W^m Bonner

Jac^b Blount

Upon the Peti^{on} of Tho^s Lee praying y^t the main Road from the S. W. side of Middle neck Bridge to the S. W. side of ffrylys bridge may be his established Bounds to Maintain and keep as a publick road at his own Costs and y^t he be Excus'd from any further duty on the Roads.

Ord^d y^t it be Granted.

Upon the peti^{on} of the Inhabitants on the South Shore praying y^t the Inhabitants from ffryly's Bridge to the flatt Swamp may have y^t part of the road assigned them & y^t the Inhabitants from the S. W. side of Middle Neck Bridge to Mr Longs may keep y^t part of the Road in Repair and y^t Cap^{tn} Jn^o Worley be continued overseer of the lower District & Mr Tho^s Lee be Overseer of the upper district. Ord^d that it be granted.

Upon the Petiçon of John Swain praying that Elizabeth Swain his Sister an Orphane Girle bound by the Precinct Court of Chowan to John Worley Esq^r May in the time of her service be taught to read by her said Master

Orderd, that she be taught to read

Orderd, y^t a capias go out against Jn^o Molton Sen^r for contempt in not appearing as an evidence in the Case between our Sovereign Lord the King & Bartho. Barrett being twice sumoned

Att this Court personally before the Justices af^{sd} appeared Tho^s Lee who to the Presentment Ehibited against him at the Instance of John Worley Esq^r at the Court held the 2^d day of Augst last Pleased not Guilty therefore Immediately came a Jury thereof and the Jurors of that Jury by the Marshall Impanneled being Calld, (That is to say) Jam^s Williamson Jn^o Watkins, Tho^s Kirke, Cha^s Wilkins, Jac^b Lewis W^m ffallow, Jam^s Ward Xph^r Dudley, Jn^o Ward, Obed Rich. Tho^s Blount, Tho^s Bettorly appeared who to speak the truth of and upon the premises being chosen tryed and sworn And the Letter in the s^d Presentm^t mentioned being produced and proved in hac verba

July 10th 1716

May it please your Hon^{rs}

I did not believe I should have reason so suddainely to complain to your Hon^r y^t I now find your words true when you told me at your house when I refused to act as a Justice of Peace y^t I might lett it alone and be piss'd upon and be D—n'd for you would then make Worley a Justice &c

If I am not piss'd upon by him I think I am as badly used what thro his Ignorance and Spight to me I am like to be a great sufferer in many particualars for he takes opportunity of giving ill advice to my Servants which I can prove if there be occasion. I did believe y^t Justices were sworn not to give advice and to give it to the Prejudice of their Master where no maner of ill usage has been offer'd to them makes the case the more bad.

Upon complaint made to him for debts above the value of twenty shillings he does not stick to Intermeddle without Law on his side but grants orders for the same & severely reprimands the Constable and comānds him not to give coppys of y^e Wa^{rr} & Orders he executes, he exacts more fees than the Law allows which is contrary to the oath and when goods are taken in Execution and the money tendered he orders y^e Officer not to deliver them but orders them to be appraised the same day that they

are taken Contrary to the Laws & makes y^e Complainer take paper money when the Law saies y^e property of the Goods taken in execution is vested in the Officer for the use of the complainer

The matters are not my own Cases, but generally y^e same has been dealt to other of the Neighbours which are ready to be proved when Occasion shall require.

I very lately went myself to him and civilly required a Copy of Orders against me particularly an Acco^t y^t ffryly had sworn against me which money has been received by the Justices Orders & which of right belonged to me when satisfyd, but instead of his doing his duty he broke y^e Peace by kicking me as I went out of his house.

I know y^t the Law gives me a remedy agst Justices & officers y^t Exceed their Authority, but being willing to live peaceably without contention I make y^e matter known to your Hon^{rs} who has the powers of making these Ignorant and Illnatured Officers, hoping you will remove such from their stations, rather than I should be forced to make a publick Demand of Justice for satisfaction of so many wrongs received which I am very unwilling should be made Publick believing y^s method to be more Charitable

If your Hon^r has the least Doubt of the truth of these matters laid against the Justice I shall at any time lay before you sufficient proofs to convince your Hon^r and all mankind of the truth of them.

I now give your Hon^r another convincing proof of my desires to live peaceably for altho I might Justly expect to be kept free from any trouble of procuring my money concerning the Horse since your Hon^r took the Horse to yourself & paid me yet I return your money rather than contend against you & to receive further marks of your displeasure. I am

Your Hon^{rs} most humble Serv^t

THOMAS LEE

The Jury aforesaid upon their Oaths say Wee of the Jury find the Defend^t not Guilty

Ordered that the said Thomas Lee be Dismist without day.

And now here at this day came the afs^d Charity Brown and p^d the fine of ffive pounds in Court together with all fees accruing Wherefore the said Charity Brown is Dismist without Day

And now here at y^s day came afs^d Worley and acknowledges that he keeps the said Mary Hawkins as a hierling and no otherwise. The said Worley is Dismist without day

John Norton bound to appear at y^e Court made his appearance, upon which M^r Attorney Gen^l Exhibited the following Indictm^t to the Grand Jury

To the Hon^{ble} Christopher Gale esq^r Chief Justice *Justice* of North Carolina and to his associates &c

The Jurors for our Sovereign Lord the King that now is Presents Capⁿ Jn^o Norton for that whereas the s^d Capⁿ Jn^o Norton on the 29th day of Sept^r 1716, and in the third year of the reign of our Sovereign Lord George by the Grace of God King of Great Britain ffrance & Ireland &c at Pasquotank in the County of Albemarle in the Province afs^d did by the shooting off of a gun value ten shillings mortally wound Tho^s Johnson one of his Maj^{ty} Liege subjects of the Province afs^d whereof he died the s^d day and year afs^d which is contrary to the Peace of his s^d Maj^{ty} Realm & Contrary to the Dignity of his crown &c

DANⁿ RICHARDSON P Duo Rege.

which Bill being returned by the Grand Jury Billa Vera p Infortunum. Uppon this at the self same Court before the afs^d Justices the afs^d John Norton in Custody of the Marshall to the bar there brought in his proper person came and being asked whether of the crime afs^d he was guilty or not Pleaded Guilty. Whereupon Tho^s Boyd and Tho^s Swanlin in behalf of the s^d John Norton acknowledged themselves indebted to our Sovereign Lord the King y^t now is his heirs and successors in the sum of twenty five pounds each to be levy'd upon their severall goods and chattells Lands & Tenem^{ts} with condition. That if the s^d John Norton doe well behave himself towards his Maj^{ty} and all his lege People for twelve months and a day next coming then the before recognizance to be void otherwise to remain in full force and vertue.

Bartholomew Barrett Bound to appear at y^s Court made his appearance, upon which M^r Attorney Gen^l Exhibited the following Indictm^t to the Grand Jury.

The Jurors for our Sovereign Lord the King upon their oaths do present Bartholomew Barrett of New England Mar^r on the sixth day of October in the third year of the Reign of our Sovereign Lord George by the Grace of God of Great Brittain, ffrance and Ireland King defender of y^e flaith &c not having the fear of God before his eyes but being instigated by the Devil with force and arms of his malice forethought upon William Whitehouse late of the same place & serv^t to the s^d Barrett at Chowan Precinct in the County of Albemarle & Province afs^d being then and there in the Peace of God & of our Sovereign Lord the King did make an assault and Divers blows kicks and bruises with his hands, feet and other weapons, did then and there voluntarily & feloniously murder and kill the said William Whitehouse and then and there mortally, beat bruise and wound the back and side of the s^d William Whitehouse of

which wounds and mortall bruises the afs^d William Whitehouse did languish untill the evening of the afs^d Sixth day at which time he Dyed and so the Jurors afs^d say that the said Bartholomew Barrett on the s^d sixth day of October in the year abovesaid at Chowan afs^d in maner & form afs^d of his malice forethought, voluntarily and feloniously did mortally beat bruise and wound the afs^d William Whitehouse, so that of the same beating, bruising and wounding on the Evening of the afs^d Sixth day of October he dyed agst the Peace of our Sovereign Lord the King his crown and dignity &c

DANⁿ RICHARDSON P Duo Rege

which bill of indictm^t being Returnd by the Grand Jury Ignoramus. And the attorney being present here in Court and having nothing further wherewith to charge the s^d Bartholomew Barrett. The s^d Bartholomew Barrett was Dischargd' by Proclamation according to Law
Adjourned to y^e Court in Course

1717.

[FROM N. C. LETTER BOOK OF S. P. G.]

COL EDEN TO THE SECRETARY

NORTH CAROLINA Jan^y 17th 1716[7]

Sir

I am honored with two of yours, one bears date the fourteenth of May the other the 25th 1716. To the former I can soon make an answer there being but one Missionary (and never another Clergyman) in my Government which is M^r Urmston whose duty and affection to his Majesty King George I believe the most Honorable Society will not doubt of for as to that part I think the Gent. is unquestionable and I shall again lay hold of this opportunity to lay before your board the great want there is of a Clergyman amongst us, notwithstanding this Gent does all he is able in the discharge of his function and spared for no pains. Yet there are still hundreds of children and others unbaptized and are like to remain unless some further charity be extended to them.

As to that of the 25th I shall say little now having transmitted formerly to your predecessor M^r Taylor an abstract of our Vestry Act which

I hope came to hand, if it has not or it is not satisfactory, upon your acquainting me, shall send a copy of the whole act; but I must observe tho' that act seems very suspicious it is at present of very little benefit to your Missionary for the money raised thereby as well as all other public moneys are paid in public Bills of Credit which are at a vast discount whilst in hath [truth?] our vestry have not been so ready in assisting this Gent. as they ought to have been which fault I hope will in a little time be remedied not only as to M^r Urmston's part but towards any other person whose lot it shall fall to come amongst us.

I did myself the Honor to implore of the Society a Missionary for the County of Bath a place of much larger extent than this of Albermarle and altogether hitherto neglected whh I must again entreat you to mention to the Board if there is not one already appointed for that service—Mr. Taylor indeed mentioned a Gent. that was to come from South Carolina amongst us, but I never heard anything of him, nor do I believe we ever shall, I have been so full before in relation to the poor people of that County that I shall forbear any further addition at this time more than intreating my most humble duty to the most Honorable Society whose commands I shall always obey with great readiness which concludes as I really am, Sir

Your most humble Serv^t

CHAS. EDEN.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA Jan'y 29th 1718

Sir

I am persuaded you will never have any answer to two Letters to the Vestries and Church Wardens of Chowan & Pasquotank: the former is in my hands still not knowing to whom I must give it, for thro' default (I may say wilful neglect) in not meeting in due time those appointed to be of the Vestry and have no power to meet or act till nominated afresh by an additional act to that of the late assembly and if that is ever brought into debate: it will be annulled, I sent the act inclosed in one of June 19th last past which if it has come to hand will satisfy the Honorable Society in many particulars; did it take place (but fear it never will) it is the most favorable I could obtain from the Assembly. I did

not think there could have been such a construction put upon these words, which empower the Church wardens to procure a Minister which now are taken to be equivalent to that odious phrase of hireing or dismissing at pleasure yearly a minister, I altered the good old term, but dared not to go any further pursuant to our fundamental constitutions. All our acts were sent last Feb^r to be confirmed by the Lords Proprietors, or as the term is perpetuated without which no act is in force longer than two years, but of late the people assume that power to themselves by causing all such Laws, as they think fit to be confirmed at the first meeting of every Biennial, & enact laws contrary & destructive of former Laws which have been perpetuated. I am of opinion diver of the aforesaid Laws will not be allowed by the Prop^{rs} and the Vestry Act will be in danger of being laid aside. The fundamental constitutions were intended to be unalterable, but now as little regarded as Magna Charta in England, this Lawless people will allow of no power or authority in either Church or state save what is derived from them. A proprietor were he here would be looked on no better than a ballad singer, what can a Governm^t do or what success or order in the great design of establishing our church can be expected by a poor despised and contemptible Missionary.

The Governor would concur with me in appoint^{ng} a new Vestry, but our Vestrymen (that should be) say I am not incumbent, because forsooth not hired by them and his Honor's appointment will not signify any thing, he has offered to induct me in order to entitle me to the Salary allowed by this late act but all in vain for it will never be paid. I hope his Letter to the Society which comes by the same opportunity will answer their demands as to my Loyalty and conformity to the present Governm^t under King George, whom God long preserve my Endeavours in the discharge of my duty and the treatment I have met with and like to expect whilst in this wretched corner of the World, so that I shall not need to add in my reference to the two L^{res} of April 23rd and May 14th 1716 which with one of June 11th I received altogether pr^{via} South Carolina Dec^r 29th I have not heard of any such person as Mr. Francis Phillips, mentioned in this last, in these parts, if he comes this way I shall obey the order sent me.

This is the 10th I have sent to the Honorable Society within 13 months under the several dates ut infra all the Letters p^r Boston were sent under a cover to Jo^a Jekyll Esq. Collector there, my very good friend and old acquaintance. I have often intimated that the quickest and safest way of sending to me was under cover to him. If these Lines

become to hand and would be complied with I might hope to live something easier than I have hitherto done, but having no answer to any of them it afflicts me sore, my misery increasing the longer I stay, could I dispose of my dear Plantation without much loss I would not stay a day in the Country, for I am in apparent danger of starving, we are threatened with famines there's not half grain in the Government subsist the Inhabitants, little or no pork; for my part, if not supplied from Boston, I shall not have a morsel of any kind of food within these six weeks; I thought I should have had corn and wheat sufficient for my use, but thro' bad seasons and the worm I did not reap the 10th part of what I might reasonably have expected. I had a fine stock of Hogs, but am in danger of loosing them all, we had no meat and for want of corn they die daily.

My Kind Parishoners are in hopes I must fly and then their debt for nigh six years service is paid, whilst one is gaping after my Plantation, another, my servants and stock at their own price, it is inconceivable nay past expression what I and my poor family have endured for almost seven years and it is like to be worse with us than ever. If money will hold out I may be supplied with a little cheese of all sorts, butter and malt unground, I have not a Gown to my back nor hat to my head nor indeed any other decent apparel I am in great want of a good & large rugg & quilt, a pair of large Blankets, with a good Ticking for a bed bolster and pillows. I beg some honest man may be employed to buy them for me, and there with an easy saddle and curb, Bridle and some paper and wax. I once made bold to hint that one common agent for all Misionaries would be of great service to us, I had rather pay commission than be cheated by pretended friends or relations. If the Society would be pleased to advance me half a years salary it would be deemed a gift and put me in a way of living that I should not need to draw so fast. In my last I desired two Bills of £20 sterling each payable at Barbadoes; with West India Goods to that value. I could buy provisions to serve me handsomely 12 months. My good Lord and late R^t Rev^d Diocesan promised me, if the Society did not make any addition to my salary that he would make me partake of some private Benefactions, but never heard from his Lordship. I recommend myself and my poor family to the generous Bounty of the Honorable society begging their prayers for us and rest, Sir, your most humble serv^t

JO^a URMSTONE, Missionary

DATE OF LETTERS.

P^r via Virginia Dec^r 17 1716

P^r M^r Gray passenger in Godfrey succss, under cover to John Rivet at the Hand and pen in St Albans Street London Feby 14. 171 $\frac{5}{6}$

Copy thereof p^r Boston do 27

P^r Boston do 29

P^r M^r Port^r now Prisoner in the fleet April 3rd.

P^r Boston do 31

P^r Virginia June 19

Under M^r Chevants cover to M^r Hear at the Custom House Oct 25

P^r Boston Nov^r 13

via cover

I am told this Brigantine returns with all speed.

P. S.—Sir

The master by whom this comes returns hither so that you may send by him he is to be spoken with at Jacob Atkinson's at the 3 Tuns on little Tower Hill If you can procure a Gown and Cassock Ingram in Pater Noster Row has my measure I should be glad of a riding coat for thro' want of that I have torn my gowns in the woods.

[FROM N. C. LETTER BOOK OF S. P. G.]

THE CHURCH WARDENS AND VESTRY OF BATH
COUNTY IN NORTH CAROLINA TO THE SECRE-
TARY.—(EXTRACT.)

NORTH CAROLINA BATH COUNTY.

March 10th 1716-7

May it please the Honorable Society

We have been told that several of your Missionaries that have arrived in North Carolina, were ordered by your Honorable Society for this and the adjacent Parishes; but as yet we have not been so happy to have one Missionary resident in all the country and of all those that have come to North Carolina, it has been very rare that they have so much as visited these parts so that many of the children of these parts are yet unbaptized even to ten or twelve years of age notwithstanding of which the people of this country are kept from Dissenting from the Church of England by the care which has been taken to appoint readers pursuant to the act

of Assembly for Establishing the Church and appointing select Vestry, an abstract whereof is here inclosed, by that act, it may easily be perceived how well inclined to the Church of England the whole Government is in general by the care taken that the Salary of the Minister shall be less than £50 per annum, although at present there are a few of the Parishes where the five shillings per pole will not fully amount to the £50 per annum, but this may be helped by the annexing to such Parishes as are adjacent till such times as they come to be better settled and able of themselves to make suitable Provision.

At present this is our unhappy circumstances as well as of the other Parishes in Bath County which have been extremely reduced by the late Indian War in which many scores of unbaptized Infants (who remained so for want of opportunity only) were barbarously murdered but seeing that war is now terminated and our country very likely to flourish again in all other respects except the only Necessary Viz^t That of Religion We therefore humbly beg your Honorable Society will consider our present deplorable state and allot some good Divine of Exemplary Life and conversation tho' of less learning for a Missionary to these parts and we do assure your Honors That we always make such further suitable allowance for the maintenance of such a one as not only the Laws of Government but even our own private circumstance will admit of.

This comes by Christopher Gale Esquire Chief Justice of North Carolina who has been very serviceable to these parts in promoting religious worship by whom your Honorable Society may be more fully and truly informed of the present state and condition of these parts than is possible for us to do in the compass of this Letter.

[RECORDS OF GENERAL COURT.]

28th March 1717

Att a General Court of Oyer & Terminer and General Gaol delivery held at the House of W^m Branch in Chowan Precinct the 28th March 1717

Present Christopher Gale esq^r Ch. Justice

Jn ^o Worley	}	Esq ^{rs} Assistants
Tho ^s Harvey		
Jn ^o Hardy		

Ordered, that a Venire do go out against W^m Williams to answer the p^rsentm^t of the Grand Jury for not keeping the road clear and repairing the bridges in his district.

Ordered, that a Venire go out agst Edw^d Bonney to answer the p^rsentment of the Grand Jury for leaving his wife in Virginia and keeping a whore in this Governm^t

W^m Steward Bound to appear at this Court made his appearance and no Information appearing against him. Ordered, that the s^d Steward be Dismist without Day.

John Beverly bound to appear at y^e Court made his appearance, and no Information appearing against him is Dismist without Day

Adjourned to the Court in course

C. GALE, C. J.

[COUNCIL JOURNAL.]

28 March 1717

NORTH CAROLINA SS

Att a Council holden at y^e house of Fred^k Jones Esq^r in Chowan on Thursday the 28th day of March 1717

Present the Hon^{ble} Charles Eden Esq^r Governo^r and Cap^{tn} Gen^{ll} and Adm^{ll}

$\left\{ \begin{array}{l} \text{Tho}^s \text{ Pollock} \\ \text{N Chevin} \\ \text{Fra Forster} \\ \text{T Knight} \end{array} \right\}$	Esq ^r Lds prop ^{rs} Dep ^{ty} s
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Ordered that Simon Privet be Subpcena'd to the next Council to Answer the Complaint of Sarah and Christian Privet Daughters of John Privet Dece'd relating to a Tract of Land held by the said Simon

Whereas Jacob Miller Adam Moore and Jacob Schulz have been sent out by Order of this Government pursuant to an Order of the Assembly to Range the Country after the Enemy Indians

It is Ordered that Richard Graves Treasurer for the Precinct of Craven do pay to the said Rangers their wages for the time they was upon that service pursuant to an act of Assembly in that behalfe made and provided.

[FROM POLLOCK'S LETTER BOOK.]

COPY OF A LETTER SENT TO SIR ROBERT POLLOCK
BY CAPT HENDERSON'S KINSMAN

NORTH CAROLINA April 3^d 1717

Hon^d Sir

It being very natural for all people who are absent to have a great desire to hear of their relations, and I being here settled in a remote corner of the earth, far distant from my native country, and having had no letter or certian news concerning my relations these many years last past, and not knowing whom I can write to that can inform me; therefore, out of the certian knowledge I have of your generous and virturous nature, and the acquaintance, neighborhood and small relation I had with you before I left Scotland, presumed to trouble you with these few lines, humbly entreating the favor of you to favor me with what account you know of my relations.

I have been informed that my brother mr James Pollock of Balgray, deceased many years since leaving two sons his eldest son Thomas, (who succeeded to the estate) I heard was married to a daughter of Dunlop of Houssell, and has had several children by her: and hear that he coming over to america, is either lost at sea, or taken by the sally sallie? men, which I hope is but a false report. As for his brother James I have heard nothing of him. My sister Hellen Helen was married to David Robe, minister of Erskine: and here that upon the revolution, on King William's coming in, remove himself and family to Ireland. And my sister Margaret was married to one M^r George Pollock, then minister of Ballantree, afterwards removed to Kilmarnock, and since I understand is dead. Now what your Honor can inform me concerning my aforesaid relations will be a very great kindness, for although I have commonly an accoun^t of all the public news, it gives me no satisfaction as to my relation. I have another favor also to beg of your Honor, which is when I came from Scotland I had several debts due to me, all which bonds I left with my brother Balgray, taking his receipt for the same, a copy of most of which is here inclosed. Now what I would entreat is if you could conveniently know of the men that owed me the money, (being most your neighbours) whether they paid it or any part of it to any person For I understand that one M^r Robert Hamilton late of Glasgow now of London merchant hath received most of it, without giving me any account of it.

Now when I came from Scotland this Robert Hamilton being my intimate acquaintance, by his importunity persuaded me to take about thirty three pound sterling money of his in venture with my own, which money in my first seven or eight years, (by my often trading from one place to another, unacquaintedness in trade of America, and a considerable loss I had by the Spaniards taking New Providence, and low markets was brought to a very little, of all which, from time to time acquainted Robert Hamilton, and in the year 1689 I wrote to him that, altho the stock was brought very low, yet that I was unwilling he should be a loser by me, and therefore enclosed in his a letter to my brother, Balgray, to pay him his principal sum and interest ; of which I never had any account of my Brother. And since then. M^r Hamilton having an attorney here, I gave him a particular account of his stock, which was about forty pounds our country pay here, offering him his money, which he could not then take his vessel being loaden. And shortly after I had a letter from M^r Hamilton desiring rather to have his principal stock and interest in Scotland than take the produce of it here, this being about the year 1698, and pressing upon me that if I would be diligent and careful of making the most of what I had in Scotland, and the overplus he would faithfully and honestly send me in here, or pay to whom I should order him. Upon which I (having a great opinion of M^r Hamilton's honest,) sent him in a power of attorney of all my concerns excepting the debt due from my brother. In some short time after I had account from him, that he had employed one M^r James Dunlop a writer in Glasgow, to act for him as concerning the recovery of my debts and other concerns, but, my brother being dead, my sister in law would not deliver up the bonds and other papers that I had left in my brother's hands ; and by several letters after complaining that he had been at considerable charges, and although his uncle Mr Colin Campbell of Blithwood had been a great assistance, yet had scarcely recovered so much as to satisfy himself. And yet I understand the stone house I had in the Trongate of Glasgow, a few duty duty I had out of the land where the eastern sugary stands, and of some land of Walter Nilson, and of one William Sterling, late writer in Glasgow, is disposed of, and, I believe, three or four acres of land I had at the bromelaw at Glasgow ; all which, before the year 1701 (at which time I heard he had disposed of most of it) with the debts due and interest due untill then could not amount to less value than six or seven hundred pounds sterling ; and his thirty three pounds, with interest from the year 1682 to the year 1701 could not amount to upward of seventy or eighty pounds at the most ; which seems to be a considerable

difference. Howsoever I should not have realised it if my Relations had got it. I could add a great deal more concerning Mr Hamilton his writing and promises to me, but I doubt have been too troublesome already.

I was hartily glad to understand that you were not concerned in their late troubles in Scotland, and that you were safe in your command at Inverlockie, and it would be a great satisfaction to me to understand the welfare and prosperity of you and your family.

I have had intentions these many years past of my returning once more to my native country, but several matters unexpectedly falling out have hindred me; especially some differences here amongst, the people of the country, and a long, civil and expensive Indian war, and now being old, and not able to endure the fatigues of such a long passage, and being (praised be God) indifferent well settled here and having three hopeful sons, Cullen, George, and Thomas, doubt I shall not have the happiness of seeing any more my beloved native country. I your Honor can spare so much time from your public business as to enquire a little after the afore mentioned matters, and honor me with some particular account of it, it will be a great satisfaction to me, and infinitely oblige me: and albeit I cannot propose any ways of retaliating such kindness, yet it shall it shall be imprinted in indelible characters in his mind who most sincerely is

Hon^d Sir

your most obedient Humble Servant.

Hon^d Sir If you favor me with an answer, please to direct your letter for me in North Carolina to the care of Mr William Wellsted, Merchant in Boston in New England: and letters for the place often miscarrying if you send duplicates, by other oppertunities some may come to hand. My most humble respects to yourself and family; which also please to accept from my sons,

Hon^d Sir Yours

THOMAS POLLOCK

[FROM N. C. LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.

NORTH CAROLINA May 1st 1717

Sir

I have nothing to add to nor alter in my last Letters per Captain Luckese Commander of a Brigantine bound for London dated Jan^y 29th & copy per via Boston Feby 2nd last past save that I am still struggling for life in this wretched place. If a sloop expected from New York with

flour & Biscuit do not arrive within these 10 days I shall not have a morsel of Bread to eat. I have had no Beef in my house these six months nor anything else save fat pork and that almost gone. I got by chance a barrel which has been in salt 18 months; it is profitable victuals a little goes a great way: I have no other eatables; peas and Beans I am like to have some but neither Bacon nor Butter to eat with them—Jovial living. The country is in a miserable condition; we lost almost all our Hogs and abundance of cattle are lately dead in all parts of the Government, of the murrian and mire. I have been a great sufferer that way; out of my poor stock, I have lost to the value of £30 very near.

If I must linger out my days here I must have a couple of Negroes and a woman all born among the English, the woman used to house work. If the Hon^{ble} Society could spare them out of Coll. Codrington Estate I would allow more than would buy six others newly come from Guinea, new negroes are of no use to me. My Parochial account is very short; from Michaelmas to Lady day I baptized 17 Infants was not able to go abroad by land for want of Horse, nor by water having nobody to row me, nor wherewith to hire and if I had men will not be hired. I went this winter 7 times to the Church in the neighbourhood (i e that is 4 miles distance) and met not a congregation; so indifferent are our Gentry in their Religion they had rather never come to church than be obliged to pay me any thing, they cannot endure the thoughts of it: they wonder I do not leave the country and their debt would be paid; that is the way they have treated all of my Function before me and would have the world believe they are no changelings. This comes ~~to~~ via Boston under cover to Mr Jek your collector there.

I am, sir, your most Humble Serv^t.

JOHN URMSTON.

[B. P. R. O. VIRGINIA. B. T. VOL. XV. P. 106.]

REPRESENTATION FROM SEVERAL MERCHANTS TRADING TO VIRGINIA AGAINST AN ACT PASSED THERE RELATING TO FOREIGN DEBTS. REC^d 17
APRIL READ 6 MAY 1717.

A Representation of sundry Merchants trading to Virginia for repealing the Act of Assembly concerning Foreign debts

My Lords,

About the year 1663 there was an Act of Assembly passed in Virginia intitl'd an Act concerning Foreign debts the purport of which is to bar

all creditors living in Great Britain from recovering debts justly due to them from any person that goes over to that Colony unless such Debtor had carried over thither effects to the value of such debts.

Now we humbly conceive that this Act is notoriously unjust in itself unequal to his Maj. subjects of Great Britain and very infamous to that Colony and therefore since to this day it stands unrepealed by any subsequent Act and has been pleaded not long since in the Courts there in bar of very just actions, we humbly beg that your Lordship will be pleased to lay it before his Majesty in order to its being repealed

HUMPHREY BELL.
HENRY DEE.

MICAJAH PERRY.
THO. SANDFORD
BENJ. BRADLY.
WM. DAWKINS.
SAM. HASWELL.
JOHN HYDE.
W. BYRD.
W^m HUNT.
RICHARD PERRY.
JAM. BRADLY.
JOHN MAYNARD.

[B. P. R. O. BOARD OF TRADE JOURNALS. P. 250.]

WHITEHALL. Friday May 10th 1717

M^r Boon and M^r Beresford agents for Carolina attending as they had been desired were acquainted with His Maj's having been pleased to refer to this Board the Representation inclosed in M^r Secretary Addison's letter of the 30th of the last month relating to the present miserable state of South Carolina and to a supply of men desired by that Province for reducing the Indians with whom they are at war And being asked whether the said Representation was presented to His Majesty by them and what they had to offer relating to that matter They said they had lately received and presented to the Lord Carteret a letter from the Gov^r & Council of the said Province to the Lords Prop^{rs} dated 26th January last upon the same subject of which they produced a duplicate which was read and a copy taken thereof That upon their application to the Lord Carteret Palatine of the said Province and presenting him the printed case his Lordship had promised them to lay state of the condition of the

said Province before His Majesty and to desire the necessary supplies which they believed his Lordship had done by the forementioned Representation—These gentlemen being then ask'd what number of men from thence they thought necessary for subduing the Indians and how long they proposed such men should continue in Carolina they declared their opinion that not less than 600 men would be effectual 200 whereof might be disbanded in 12 months, 200 in 18 months and 200 in two years after their arrival in Carolina—M^r Boon & M^r Beresford added that the Lord Carteret had declared to them he was willing to surrender his share in the Proprietorship if the not doing it were such an obstacle as to hinder the relief of the Province.

[B. P. R. O. BOARD OF TRADE JOURNALS. P. 270.]

WHITEHALL Friday May 31st 1717.

The Lord Carteret one of the Lords Proprietors of Carolina coming to the Board their Lordships had some discourse with him relating to the present state of that Province and to the Representation from the inhabitants of South Carolina referred to the Board by M^r Sec. Addison's letter of 30th of last month mentioned in the minutes of the 6th inst. His Lordship among other things said that the Assembly of South Carolina being dissolv'd, they had now no Agents, But that the persons who styled themselves such, had desired him to present their paper to the King, which his Lordship had done when the same was drawn so as to be supported by the letters those Gentlemen produc'd from thence that his Lordship had since private letters from Carolina which bring advice of a Peace being made with the Indians which his Lordship observed seems probable since the Yamasees the first authors of the war were cut off That there had never been a regular war with the said Indians in Carolina but many settlements which were made too scattered & remote from each other had been destroyed at several times tho' the whole Colony was never in so apparent danger of being lost as was suggested That if the said Province be supply'd with the men they desired the Assembly had never agreed how to dispose of or provide for them That the Lords Proprietors would be glad to have more men sent thither in any manner but that it could not be expected His Majesty should send and maintain them there That the Province may be run in debt as alleged but that the Lds Prop^{rs} have applied all their profits towards its support and bought

& sent 250 muskets which they have heard are actually arrived in Carolina My Lord added that he did not doubt but when Col. Johnson the present Gov^r arrives he will find all things quiet in the said Province and therefore his Lordship desired the Board would suspend their Report to His Majesty upon the forement^d reference until fresh advices should arrive from thence.

[COUNCIL JOURNAL.]

NORTH CAROLINA

Att a Council holden at the House of the Hon^{ble} Co^{ll} Thomas Pollock in Chowan on Tuseday the 4th day of June Anno Do^m 1717

Present the Hon^{ble} Charles Eden Governo^r Cap^{tn} Gen^{ll} & Ad^{ll}

The Hon ^{ble}	{	Tho ^s Pollock	}	Esq ^{rs} Lds Prop ^{trs} Dep ^{ties}
		Fred ^k Jones		
		Fra ^s Foster		
		T Knight		
		N Chevin		

Upon Petition of John Gray setting forth that a Tract of Land lying in Chowan Containing acres was formerly granted by Patent to W^m Fulk is now Lapsed for want of being Seated in due time pursuant to the Tenor of the said Patent and prayes the same may be Granted to him

Ordered that the same be Granted as pray'd for

Upon Petition of John Nairne shewing that a Tract of Land formerly Granted by Patent to Edward Howard is lapsed for want of Seating and prays the same may be Granted to him

Ordered that the same be Granted as pray'd for

Upon Petition of John Nairn Shewing that a Tract of Land formerly Granted by Patent to John Miner is Laps'd for want of being Seated in due time and prayes y^e same may be granted to him

Ordered that the same be granted as pray'd for

Then this Board Adjourned till to morrow morning 9 of the Clock

Wenesday morning June the fifth 1717 this board mett again

Present Ut Supra together with Co^{ll} Reed

Upon Petition of Catherine Morby shewing that her late Husband George Morby is Dead and hath left no Heires in this Govern^t by which means a Tract of Land on the Head of Cashoke Creek whereon he lived is become Escheatable and prayes the same may be granted to her

Ordered that the same be granted as prayd for and that a Warr^t be directed to the Escheat master accordingly

Upon Petition of Henry Bonner showing that a Tract of Land Lying on Morratock River was formerly Granted to Tho^s Hoskins by Patent and is now lapsd for want of being seated in Due time pursuant to the purport of the said Patent and prays the same may be Granted to him

Ordered that the same be granted as prayed for

Upon Petition of Henry Lysle Junio^r shewing that a Tract of Land on Cashoke Creek formerly Granted to Henry Lysle Senio^r by Patent is Elapsed for want of being seated in due time pursuant to the Purport of the said Patent and prays that the same may be Granted to him

Ordered that the same be granted as prayed for

NORTH CAROLINA SS

Whereas the Tuscarora Indians by their articles of peace with this Governm^t were bounded and Limited for their future Settlement to a certain Tract of Land lying between Onion quits-tah Creek on Pamplio River and Nuse river to which settlement they were to repaire so soon as the Warr should be over But for as much as the Indyan Warr is since broken out in South Carolina the aforesaid Tuscarore Indyns have Signified to this Government that they are in Danger of being Attacked and destroyed by those Indyns and therefore has prayed to be allowed a Settlement on Morratock River for their further Security Now be it known that it is hereby mutually agreed on between the Hon^{ble} Charles Eden Governo^r Cap^t Gen^l and Adm^l of this Province by and with the Advice and Consent of the Council for and on behalfe of himselfe and the Inhabitants of this Governm^t and King Blount for and on behalfe of himselfe and y^e rest of the Tuscarora Indyns that for as much as the said Blount and his Indyns have been very Servicable to this Government and still Continues so to be And as a particular mark of Favor from this Government They do hereby Give unto him the said Blount for his further and better support of himselfe and his Indyns all the Land lying between M^r Jones's Lower land on the northside of the Morratock river to Quitmak Swamp And the said King Blount doth hereby agree to remove all his Indyns from off the other Lands down to Roovosskee by Chrismas next And that they shall not molest nor disturb the Inhabitants nor their stocks in Hunting in any of the adjacent Grounds but that they shall take all the due Care therein they can and that they shall not nor will not Claim any Right or property to any Other Lands hereafter on Either side of Morratock River

In Witness whereof the said Parties have Interchanably Set their hands and Seals this fifth day of June 1717

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.

NORTH CAROLINA

June 22nd 1717.

Sir

You will say my other Letter of the same date needed no additions but cannot avoid acquainting you that by the same opportunity comes one of our great Dons upon an Embassy from the whole country fraught with complaints against the Governor (I suppose I shall not escape) he is a Clergyman's son in Yorkshire bears the great name of Gale, I know not how near a kin to the late Dean of York. he has a little smack of school learning, was sometime Clerk to a country attorney at Lancaster, the occasion of his coming into this hiding place is unknown to me tho' I suppose not uncommon with other our worthy Patriots a great show of Learning gained him great Esteem among the Beast in the woods he has past long for an Oracle, gone through all the Offices in the Government save that he is said now to push for, i e, that of the Governor.

Upon the breaking out of the Indian War he went to South Carolina for assistance there he prevailed with Mrs Blacke one of the Proprietors to make him her duty (depty); in his return he was taken prisoner by the French and carried to Martinio, at length he came back to us, was for his good offices and sufferings, presented with a purse of money, made Colonel of Bath County then the heat of the war but by reason of his unfitness laid that down and being deemed learned in the Law was made Chief Justice of the whole Province Being arrived to this High Pitch of supposed grandeur he grew very impertinent, he hath often opposed me in matters relating to church discipline and all the authority he had could assign was the practice of a poor country Parson his father, I believe him equally knowing in everything else he pretends to, In our debates when he had no other answer he would appeal to his dignity and Imaginary power which he thought gave authority enough to all he asserted, nay he did not stick once to rebuke me for contradicting him telling we were not equals and that I ought to pay a greater deference to what he said, how false soever; as to the first I was entirely of his mind and as to the latter I cannot see why I should be borne down by such a Blockhead when I had good authority for what I said, he intends to dethrone the Governor, this is publicly known and if he succeeds him not then he will come

Missioner, but this is only whispered, for if not forced he would not be thought to take up with so mean a station.

His complaints against the Governor, I must confess are not altogether groundless, his honor has acted towards all men very arbitrarily not to say unjustly, his treatment of me has been very base and scandalous, yet he never break my Head without giving me a plaster not always healing, for after having trampled upon and prostituted me to the people in order to curry favor with them it is no such easy matter to effect a thorough cure; what signifies such favors as subjects a man to daily affronts and abuses, we have been often at variance: I have resented his ill usage more than once, have not visited him for several months together, but the greatest difference we ever had was owing this Incendiary, my Lord Chief Just—fs and now he with a pack of Knaves and seditious rascals is combined to set us all in flames and rather than not gain his point he will do his utmost to subvert that little settlement we have with the greatest difficulty attained to in Church and Government. This is not the first voyage he has taken upon the like Errand and if the Proprietors will harken to such a Bout few then they must never hope to see this a settled country.

I cannot say but the Governor is a strange unaccountable man, having all that either the Land or Sea service furnisheth t'wards the making a complete ruffian besides some great accomplishments acquired in his voyages along the coasts of America, a stranger to him would straight imagine upon a slight acquaintance that he had been a boatswains mate who are commonly the greatest reprobates in a man of war, fit only to command the forecastle Gang, and seeing the Genius and temper of this People are so like to the said Gentry, there cannot be a fitter man to govern here, the Lords will suffer by the change and we shall be like the Frogs in the Fable. He is well known to Collⁿ Handyside late Gov^r of Jamaica and I believe Councell Kittleby has some knowledge of him.

As to my particular I care not what this sower of Sedition can say against me, it has been his constant Business to oppose me in every thing I went about in furtherance of the great errand I was sent upon; This is he that chiefly hindered me from having the Library sent in by the Rev^d Dr. Bray in my custody as was intended by the Donor, this is he that first started a notion that the Society did not expect the Country should make any provision for me, they having allowed me a sufficient maintenance, this is the copper smith for he hath done me much harm; and if he applies himself to the Society it will easily appear what a fit person he is to make a Priest of and how much he hath benefitted by that excel-

lent collection of Books which have been injuriously detained from me. I excuse not the Gov^r in many things but cannot think him so black as he will be represented nor would I have him changed except we be assured of a better who will scarce be found to act a part in our comedy—I am, Sir, your most humble servant

JOⁿ URMSTON Missionary

P. S. I have gained mightily upon the Gov^r since the Death of his wife, who a strange meddling troublesome proud woman, and put him often upon doing that which he had no mind to; I believe for the future we shall always have a good understanding. I wish he may find favour with the Honourable Society so as to prevent his being twined I have heard say counsel Kittleby was not his friend: if a member of the Society he may be persuaded to act for him, Tis in his power to do the Gov^r good service and to stop the mouth of this Babler.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY—(EXTRACT).

NORTH CAROLINA June 22—1717

Sir

Since my last per via (New England dated May 1st. I have received one from you of July 16th. 1716 by South Carolina; at my first coming hither I sent divers of my Letters open to a certain member of the Society to be by him first perused and then delivered in at the next Board; the little good effect they had (albeit the contents I thought would have drawn pity from a heart of Stone) made me suspect my friend and therefore have not been guilty of that which I now find is deemed a fault, for many years, but perceive as little regard to me as before; notwithstanding I ever had fresh matter of complaint, and as long as I stay here I need not fear wanting that with hard struggling we have had a vestry at last in my parish viz^t on the north shores of the Sound in Chowan there were but seven vestry men and they chose in a new member in room of one who positively refused to qualify himself as the late act directs by declaring under his hand that he would not oppugn (a soft word for tender consciences instead of conform to) the Church of England, for, he said he must go sometimes to the Quakers meeting and if he saw cause he might one time or another oppugn &c.

The absent members will not agree to what was then enacted and many of those present seem to dislike of what they then did pretending they were overawed by the Governor, by whose order the Vestry was called, who is since gone to live in the County of Bath so that all the good his honor intended me will come to nought. It was proposed by the Gov^r and minuted down that I should be inducted, the majority were consenting, but now unwilling to part with the power so valued by them of choosing or hiring yearly ministers. It was then ordered that every Titheable in the Parish should pay me five shillings towards the raising Fifty pounds for the last year ending January 1st last past, the number of the Titheables is not sufficient to raise such a sum and they have not power to Levy above five shillings per Titheable for our Parish contains not a third part of the Inhabitants which are in the precinct and afore time were one parish. as for the arrearage for four years with 18£: formerly due which by agreement ought to be £258 but was by an after Vestry reduced to £150 and ordered by the then churchwardens to be collected, that cannot be raised unless the other parish or part of the Precinct which before seperation was equally obliged per a new act be compelled to pay their share. In plain English 'tis to put me off from insisting upon what is my just due; neither do I think I ever shall receive what is now ordered; for notice has been given by the present churchwardens according to the Vestry Act to pay their Levy on or before the first of this month, upon pain of forfeiting double tax, and as yet I have received but six pounds in paper; this paying of money such as it is, puts them quite out of humor: they cannot endure to be at charges upon what they value so little Religion.

I have given you an account in former letters of the great scarcity of Provisions throughout the Country; I thank God we have with hard struggling and many an empty Belly got over it. It was not so grievous to my family as many others, because accustomed to want our north Colonies have taken advantage of our necessity and have made us pay dear for the worst of Bread and meal: what cost them but seven shillings we have paid 40^s for in pitch and tar besides divers ways of cheating us. Our Governor bought a couple of Barrels of meal and one of them proved half Ballast. We have hitherto had a very seasonable year, there is great prospect of plenty of Grain and fruit but if the winter afford us meat—we have no Hogs so many died of Poverty last winter and the Black Cattle are almost all destroyed by murrain, so that we shall not suddenly recruit. In these difficult times I have been forced to draw upon the Treasurer as often as I met with any body that knew what to do with

a Bill of Exchange I have purchased Pitch to buy food with, gave more than it would sell for in London, some proved nought some not full casks and more not yet paid, and thus I have been puzzled to keep soul and body together. Since the 21st of December last I have drawn for £85 and am still in want, tis not twice £80 will maintain me at the rate I am forced to manage £20 yearly paid before hand in Goods vendible here, would have done me more service than my salary. I never bought so much goods for £80, my necessity still obligeing me to anticipate, and often draw before money become due.

These accounts are tedious I doubt & scarce believed, seeing the Society requires it under the Parishoners own hand, which I think not to be expected. It was agreed that we should hold a Vestry every first Sunday in the month, but we have none since the first, nor I believe ever shall; the first Sunday in the month we had one church warden and three Vestrymen. I delivered the Societies Letter dated June 11th 1716 directed to the Church wardens and Vestrymen of Chowan; they read it and gave it to me again, saying they knew not what answer to return; so little regard is had to so great authority and less gratitude to so generous benefactors, it is all one to them whether they have a minister & church to go or not.

My quondam fellow Labourer the Rev^d Mr. Rainsford meeting with some of my Parishioners in Virginia told one I was to be turned out, to another recalled, they would be glad of either for then the debt due to me would be paid. I have more than once desired the Letter and if not provided with two negro young men and a negro girl all born among the English and used to work & a Bill or Letter of Credit to Barbadoes for the £40 yearly as I have formerly requested it will be utterly impossible for me to stay here much longer.

[FROM POLLOCK'S LETTER BOOK.]

July 8th 1717

Hon^d Sir

This day King Blounts son came in here, sent in by his father to me that I might acquaint you that two of his men lately discovrd beyond Catchne Creek about twenty strange Indians, and judges they are coming either upon him or the English; and would disire your Honor to take some care of the people at pamplico and Neuse. And likewise King

Blount desires to acquaint you that he is daily expectation of the Saras and other Indians falling upon him, they having lately taken one of his men.

Albeit there is no great certainty in the Indian News, yet I thought it proper to acquaint you now therewith, that you may take such order for the security of the people at Pamlico and Neuse as you shall think necessary, by giving the people notice to be in readiness, and to have a care of themselves, until further news may be heard, or by what other methods you think most convenient: and also that you send in here what orders you think necessary in case the Indians fall upon Blount, unless you think it time enough when you come into the General Court or the next Council.

Blounts son likewise inquired of me if I had not heard that the Sarah Indians had killed nine or ten of the Virginia traders, and taken their goods, which he says was reported by one of them that escaped. I am in great hope if there be a general Court, to have the happiness to see your Honor, and should be glad if Mr Henman could, be in two or three days at least before the court. I have no more to add but that I am most sincerely Your Honor's

[COUNCIL JOURNAL.]

NORTH CAROLINA SS

Att a Council holden at the house of the Hon^{ble} Co^{ll} Thomas Pollock in Chowan on Thursday the First day of August 1717

Present the Hon^{ble} Charles Eden Governo^r Captⁿ Gen^l and Adm^l

Tho ^s Pollock	} Esq ^{rs} Lds Prop ^{rs} Dep ^{ties}
Nath Chevin	
T Knight	

Upon Petition of John Seshons setting forth that Whereas one Edward Bery Deceased left a Widdow and four Children with a small Estate the Widdow administerd and it was appraised and she paid the Debts as farr forth as there was anything to pay afterwards by Accident she and Two Children were drowned and there was Two Children left a Boy and a Girle which by order of Co^{rt} the Children was committed to his Care to bring them up and what little their Mother left, was Committed into his hands he being their Uncle their Mothers own Bro^r the two Children being both dead all that belonged to them is now taken out of his hands by

Henry Miller and the Land is Threatened to be taken away also w^{ch} the petition^{er} has paid for part of it to the Childrens Father but he being killed by the Indyans it was never acknowledged to him and therefore prays that it may be taken into Considera^on that he may be Relieved therein &c

Ordered that the Evidence on both side be Examined before Mr John Hardy and the Depositions returned to the next Council and that in the mean time M^r Spellar do prepare & bring in his Acc^t of the said Administra^on.

Upon Petition of William West setting forth that he being a Tradesman and willing to settle in this Govern^t and Endeavoured at his first Coming in to Get some Convenient Settlement but found all the lands near to the Water were taken up upon which he Intended to leave this Govern^t but was advised of a Small Tract of Land on the head of Cashock Creek Survey'd and Patented Several years agoe which he according to the Usual Costume petitioned for as Laps'd land and had it Granted but afterwards one Henry Lysle made Application and pretended a right to the said Land and that he had sold it to his Father in Law and obliged himselfe in the penal sum of Fifty pounds sterl. to make him a Title to it upon which he had an Order Granted him for the Said Land and the said West believing his petition to be matter of Fact and not desiring the ruin of any person neglected to appear in his Own right But since finding that the said Henry Lysles Informa^on was notoriously false and that there was no such sale as he said there was and indeed no right to the Land he therefore requests to have his land Granted him again

And saith he being a stranger in the Country the said Lysle thought to have made a prey of him and now laughs at him and Employs people to sell him the Land he prays the same be taken into Considera^on and that he may have reliefe therein y^t

Ordered that Henry Lysle be served with a cōpy of the petition and to appear at the next council.

Upon Petition of Wm Charlton Exec^r of the last will and Testament of Edward Smythwick Deceast praying proper persons may be appointed to appraise and divide the Estate of the said Deceas'd

Ordered that Henry Speller, John Bentley Philip Ward and Luke Metle or any three of them being first sworn before some Magistrate do Appraise the said Estate and make Division thereof according to the said Last will and Testam^t of the said Dece'd

Upon Petition of Robt Fewox shewing that a Tract of land called the Second Creek was formerly Granted to his Father James Fewox and is lapsd for want of seating prayes the same may be Granted to him

Ordered the same be Granted as pray'd for

Upon Petition of Jonathan Bateman and Elizabeth his wife shewing that John Anisly late Husband of the s^d Elizabeth being a Forreigner dyed seized of sundry Lands in this Government and left no Issue therefore prayes that they may have Liberty to Estcheat the said Lands and that a Warr^t may be directed to the Escheator accordingly.

Ordered that the same be granted as Prayd for.

Ordered that the Matter of Privetts be continued and that Coppy of the Case and Subphecana be sent a new

Upon Petition of Martin Frederick Rasor shewing that a Tract of Land Containing One hundred and Eight five Acres in Chowan was formerly Granted by patent to Francis Parrot and is Lapsd for want of being seated in due time and prayes the same may be Granted to him.

Ordered that the same be granted as pray'd for

Tobias Knight, Esq^r was by the Governo^r with the advice and Consent of the Council Constituted Chief Justice of this Province Coⁿ Gale haveing departed this Govern^t whereby the said Commission was become Vacant and thereupon the said Knight took and subscribed the Severall Oaths by Law appointed to be taken for his qualificacon.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

THE CHURCH WARDENS AND VESTRY OF PASQUO-
TANK PRECINCT NORTH CAROLINA TO
THE SECRETARY.

PASQUOTANK PRECINCT

August 10th 1717

May it Please the Hon^{ble} Society

We received the favor of yours of June the 11th past signed by your Secretary Mr Humphreys and in answer thereto take leave to inform you that by an act of the last Assembly made Jan^y 1715 the Precinct of Pasquotank was divided into two parishes, each Parish has power to raise £50 per annum by the Poll, which with the allowance made by you Honr to Missionarys would be a very handsome maintenance, could

we be so happy as thro' your charitable disposition and appointment to enjoy one. Since the death of poor Mr. Adams we have been altogether deprived of that happiness the present Missionary living in Chowan precinct about 30 miles distant from hence and seldome coming down above once a year, so that he has very little allowance from hence save what presents he has made him upon particular occasions which are sometimes very considerable, as to the manner of pay in this Country, we must beg leave to inform your Honors, that there is no running cash, but that to supply that defect all our commodities are rated and answer the same end.

And now since your Honorable Society has given us this occasion of addressing ourselves to you we beg leave to further represent to you that some years ago his Excellency Francis Nicholson gave to this precinct (as well as Chowan prequimons) the sum of 10£ sterling to be employed towards the building of a church, but that money being not made use of till the year 1708 after much solicitation and management by Mr. Glover and Mr. Knights, the same was lent to Mr. Glover by order of the Vestry, a copy whereof is here enclosed, since which Glover is dead and his widow married to said Knight who by one artifice or other will in all probability deprive the Parish of that money as may appear by his protest to the Vestry here also enclosed unless some ways relieved by your Honorable Society either by representing the case to our Lords Proprietors whose officer he is or otherwise as you in your wisdom shall think fit to direct or advise. We are in all humility your

Honors most humble servants

EDM^d GALE

JOHN PALIN

Church Wardens & others

[FROM N. C. LETTER BOOK OF S. P. G.]

GOV. EDEN TO THE SECRETARY.

NORTH CAROLINA Oct^r 8—1717

Most Honour'd

The Lds prop^s of Carolina having thought fit to Hon^r me with y^e Governm^t of the North part of their Ldps. Province I take leave as I think it is my duty to remonstrate to you the deplorable state of Reli-

gion in this poor Province, it is now almost four months since I enter'd upon the Governm^t where I found no clergyman upon the place but M^r Urmstone one of your Missionaries who is really an honest pains taking Gentleman & worthy your care but poor man wth the utmost endeavours is not able to serve one half y^e Co^r of Albemarle w^h adjoins to Virginia when as the County of Bath is of a much larger extent and wholly destitute of any assistance, I cannot find but y^e people are well enough inclined to imbrace all opportunity of attending y^e service of God & to contribute to y^e utmost of their ability tw'ds the support of such Missionarys as you shall in your compassion to their circumstances think fit to send amongst them, but our tedious Indian War has reduced y^e country so low that without your nursing care the very footsteps of Religion will in a short time be worn out & those who retain any remembrance of it will be wholly lead away by the Quakers, whereas a few of the Clergy of a complaisant temper & regular lives wou'd not be only the darlings of y^e people, but wou'd be a means in time to recover those all ready seduced by Quakerism—This is what I thought myself under an indispensable obligation to lay before you for your serious considerations & at y^e same time I take leave to recommend to you the person from whose hands you'l receive this Viz^t M^r Tho^s Gale (a near Relation to y^e late Dean of York) late of Trinity College in Cambridge who I doubt not will come otherwise recommended as a very proper person for your service if he shall meet with your approbation—

There has been destroyed by the Indians since y^e beginning of y^e warr above four score unbaptized Infants & there are a great number in y^e county of Bath even to seaven years old now under that circumstance for no other cause but want of opportunity & as yet there are no Quakers in that county.

The growth of them in it I hope the charitable care of y^r most Honorable Society will effectually prevent I wish I could be any ways instrumental in serving any thing sent by you in these parts whenever an opportunity offers with great readiness I shall be glad to show [how] much I am most Honorable Gentlemen

Your Obed^t & most humble Servant

CHARLES EDEN

[FROM N. C. LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.

NORTH CAROLINA Oct 23rd 1717.

Sir

In my last I acquainted you with a further Hardship than I have hitherto met with. I borrowed £30 to pay for the repairing my Houses. I was to pay it out of the Parish Levy which ought to have been raised six years ago. My Creditor is now Church warden and is obliged to collect my Salary which will at Christmas next amount to a hundred pounds besides £140 arrears due from the precinct before it was divided into two parishes, it ought to have been £240 but twas no wonder for their making such a defalcation was in order to cut off the whole, for unless it be to pay my debts I shall never see a farthing of it. The Church warden is a great Lawyer and Keeps the whole community in awe of him: he has taken upon him to recover two other debts and has arrested me in three several actions and threatens to seize my House and goods; all the Debt is but £90 and yet he will not take the Parish pay; it will be very severe, not to say unjust, they say I am not their Minister because forsooth not hired they are resolved to keep up that good old Custom, so that I am not entitled to the Salary allowed by Law I am blamed for not keeping constantly to my Parish, it is hard neither to pay me nor allow me to go to those that would. The Governor pressed me to make the other Country a visit, hoping they would have regard to my two former Journeys as well as last but find they are all of Carolina Principles: I went to a hole where I never was before: I baptized 63 children and one adult a young woman they say there are unbaptized not out of Principle, as a supine neglect of parents and their own shamefacedness, and I forbear not to be wrought upon, there was a great congregation most out of curiosity having never seen the face of a minister, 15 more I baptized the last six months I have not to add to my nota Parochialia. My people are as remiss as ever, a parish Levy puts 'em quite out of conceit with the Church: I preach often to 9 or 10 and sometimes ride five miles in vain not to find a soul there. Mr. Taylor arrived here about a month ago but is not fixed not being able to find a House to put put his head in, There's no living here for a Clergyman except he will keep house: I believe he will return to South Carolina, he is as unfit a man as they could have chosen, neither was it fair to send him. I under-

stand the Society ordered one of their Missionaries whose parish was abandoned by reason of the War with the Heathen: he is not able to ride five miles were it to gain the world, he is aged and very infirm I have acquainted him with my usage he insists on being chosen or inducted for Life, which no Parish here will comply with. If my late letters are come to hand I hope for a favourable answer, if not you may expect to see me next spring, here I can not live without servants. These with my humble duty to the Honorable Society and earnest request for their Prayers are from, sir, Your most humble serv^t

JOHN URMSTON

Missionary.

[FROM POLLOCK'S LETTER BOOK.]

SALMON CREEK Nov. 13th 1717

Hon^d Sir

M^r Charleton did not call here at his return from Blount. Wherefore, I believes he intends himself unto the assembly to give you a particular account of his management with Blount. I understand by Col Maule that the Indians that were at Blounts upper town, called Uneray, are gone from thence he knows not where.

I am hartily sorry to understand of the great difference hath happened between your Honor and Mr. Chevin, and can not but blame him much for his great indiscretion, But being an old friend and acquaintance of mine, I humbly beg your Honor to moderate your resentment against him, knowing there is no man free of failings, and that revenge may be carried on too far, and it is at best but the frailty of human nature, where as to pardon offences, especially those that are great, is more than human, and is even divine, and participates of the goodness of God, who pardoneth our greatest sins; and the example of our gracious Sovereign may be a motive, who hath ever pardoned his greatest enemies. And besides, it must need lay such an obligation upon M^r Chevin, as to make him always hereafter have a great care not to fall under your Honor's displeasure.

I wish your Honor happy success with the assembly in what concerns the public, which, I believe, may at present lie chiefly on these three things vis the currency of our bills, the suppressing the enemy Indians that lie out, and the providing a magazine of ammunition always ready in case there should be occasion. For it is the prudence of almost all well governed states to provide for war in time of peace.

As for the currency of the public bills: our country debt, I believe exceeds not 16000 pounds and there being not less than 2000 titheable persons in the Government, which at 30 shillings per poll amounts in three years to 9000 pounds; and, I believe there is not less than a million of acres held in the Government, which at 40 shillings per 1000 in three years amounts to 6000 pounds: and for raising the other 1000 pounds a duty might be laid on all strong liquors imported from any where but the West Indies which in three years might easily raise the other 1000 pounds, to balance and clear all the country debts. And it is very evident that the importing so much strong liquor into the country greatly impovereth the people. And then if your Honor and Mr Richardson would consent to take all public payments in the bills I do not see but it would make them very current in a short time.

And as for suppressing the enemy Indians; in my opinion, Indians are the most likely to do it, and with less charge than otherwise; and those Indians that goes out ought to have great encouragement of the assembly, otherwise I doubt it may be a long time before they are suppressed.

Then, as for a public magazine: there should nothing be taken of the vessels but powder, shot, and flints, until there is so much had as may be thought necessary, and then other pay may be taken in such specie as guns may be purchased. For guns are very much wanted, especially here in the frontiers, where may be most occasion of them.

And care ought to be taken that the treasurers be diligent, careful, and expeditious in taking in the public taxes, at the time of payment, and that the bills be sunk as soon as they come into the treasury.

Your Honor's excuse for my enlarging so much on such things is humbly craved by him who sincerely is—

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a Council held at Col^l John Hecklefield House at Little River on the 22 day of Novem^{br} Anno Dom 1717

Present the Hon^{ble} Charles Eden Governo^r Cap^{tn} Gen^l & Adm^l

W ^m Reed	} Esq ^{rs} Lds Prop ^{rs} Dep ^{ties}
Fra ^s Foster	
Tobias Knight	
Fred ^k Jones	
Rich ^d Sanderson	

Upon a Complaint made by John Hoyter King of the Chowan Ind-
yans that Ephraim Blanchard and Aaron Blanchard had settled upon
those Indiyans Lands without their leave

It is Ordered by this Board that the said Blanchards do attend the
next Council to Shew Cause for their so doing and that in the mean time
they desist from doing anything further on their said settlements

Upon Petition of Andrew Barrow Jun^r for Lapsing a Tract of Land
lately belonging to his Father Containing Two hundred and Sixty Six
Acres for want of Seating according to the Patent formerly Granted to
his said Father.

It is Ordered that the said Petitioner have a Patent for Lapsing thereof
if he thinks fitt

Upon a Petition of M^r W^m Williams on behalfe of the Two Daughter
of Timothy Peade De^{cd} to get an Order for a Warr^t to survey a Tract
of Land in Curratuck Containing six hundred and Forty Acres accord-
ing to an Entry thereof made in that Precinct Co^{rt} the Twenty third day
of March 169 $\frac{1}{2}$ and since the said Entry made survey'd by one Marmaduk
Everedge and Richard Everedge during the non age of their Bro^r
De^{cd} whose Heires they are

It is Ordered that the said Everadges or Such Persons as now live
thereon or are in the possession thereof do attend the next Council to
Shew Cause why the said Petition shall not be allowed.

Upon a Mo^oon made by M^r Richardson Lds Prop^{rs} Rec^d Gen^l to
know whether he should receive what Quitt Rents are now due from
this Govern^t

It is the Opinion of this Council that he Ought to receive them and is
Accordingly by us Ordered so to do

1718.

[FROM POLLOCK'S LETTER BOOK.]

February 16th 171 $\frac{7}{8}$

Hon^d Sir

Yours of the 4th instant came to hand the 10th and Capt Jones had
been over here the day before with two proclamations for liberty of
exporting grain. He had received them from M^r Ash. We were both of

opinion it might be time enough to consider the same at the meeting of the Council next month. I question not but that Col. Gaile will represent matters against your Honor and those of the Council in the blackest characters he can, and that he will want no assistance his party can afford him; as clearly appears by what was done last assembly in his favor, (if I be rightly informed.) But the best of it is they have nothing (that I know of) that is material to alledge either against your Honor or any of the council; and the Lords Proprietors have been of late years so imposed upon and troubled with idle complaints, that I am much persuaded they will take little notice of what he or any of his party can alledge. As for Col. Brice Major Handcock, and Captain Stones offer of bringing these skulking enemy Indians in alive or dead; it seems very strange and unaccountable to me, that their own lives, their wives families and estates being in danger all this time, and could not do it, and that now out of the hopes of a small matter of profit, pretend to do it. This gives me some thought of what might be the occasion of their coolness and slighting of Blounts Indians that went in to help them. And then the beginning of our Indian war, and so the chief cause of the continuance of it until now, so as I apprehend, hath proceeded from Neuse; and all that I doubt instead of ending our war, they may be the occasion of beginning another greater and worse ———. However, I should be better satisfied if I understood the scheme by them laid to do it, and who is to be their partizans and your Honor may be assured that in case these enemy Indians were taken or killed, so that peace were fully restored to the country, I should not be wanting of contributing my full part to those that would do so much good to the country.

There being no news of moment here, have no more to add, but that I sincerely am &c

[B. P. R. O. N. C. B. T. 7. P. 96.]

ST JAMES February 19th 1747.

Present

Lord Carteret Palatin

M^r Ashley

M^r Bertie for D. of B.

S^r John Colleton

S^r F. Shipwith for L. C.

M^r Danson.

M^r Gale Chief Justice of North Carolina attended & laid some proposals before the Board and it was agreed that M^r Gale should have a new Commission for Chief Justice and thát a L^{re} be writ to the Govern^r to give notice to the Council of such Commission within fourteen days after M^r Gale shall produce his Commission to the Govern^r in order to qualify himself by taking the Oaths.

That the number of Assistants shall not exceed two as in the Commission and that the two Assistants shall not have power or authority to hold Courts without the Chief Justice but the Chief Justice may hold the Courts if the Assistants do not attend And when all three are present the majority of votes to prevail.

That a letter be writ to the Govern^r to recommend an Act of Assembly for settling the fees for the Chief Justice and that M^r Gale may have his salary during his absence.

Agreed that M^r Eden be made a Landgrave

That there be no deputations sent to North Carolina but that a Council be appointed as in South Carolina

That the Lords will consider further about the laws

That M^r Moseley's Proposals be referred to the Gov^r & that he & M^r Moseley be order'd to make their joint Report in relation to that project

A Letter from M^r Popple to the Sec^{ry} was read wherein Proposals sign'd by M^r Spotswood & M^r Eden for settling the Bounds between North Carolina & Virginia were inclos'd

Order'd that a letter be prepar'd to the Board of Trade signifying that the Lords do approve of the proposals & desire they may be executed.

[B. P. R. O. B. T. JOURNALS. VOL. 27. P. 119.]

WHITEHALL Thursday Febr^y 20th 1717⁸

At a meeting of H. M. Com^{rs} for Trade & Plant^a

Present

M^r Chetwind.

M^r Pelham.

S^r Charles Cooke.

M^r Pulteney.

M^r Dominique.

M^r Bladen.

An Order of Council of the 9th inst referring to this Board a Representation from the Lords Proprietors of Carolina which recommends Sir Robt Montgomery for his Maj. approbation to be Governor for life of

the most southern part of the said Province beyond the Savana River was read together with a copy of the said Representation as likewise a Memorial from the said Sir Robert Montgomery upon that subject all which their Lordships resolved to take into further consideration the first opportunity

[B. P. R. O. B. T. JOURNALS. VOL. 27. P. 129.]

WHITEHALL Tuesday Feb^y 25th 171⁷₈

Sir Robt. Montgomery attending as desired their Lordships had some discourse with him concerning the new Settlement which he intends to make in the Southern Part of Carolina wherein he said that he proposed to take thither five or six hundred men at the first and some few women and that the remainder of their families should be transported after they had established and fortified themselves. That he computed the charge of every 3 men would be £100. and to carry on this undertaking he assured their Lordships that he had with the assistance of his friends and relations a certain fund of thirty thousand pounds and desired no support either from the Crown or Carolina. That he desired to be Governor for life and independant of the Governor of Carolina for that after he had ventured his fortune the Lords Proprietors might otherwise appoint a Governor with whose conduct perhaps Sir Robt. might not be satisfied which he said would be inconvenient, and he promised to bring to the Board the Grant he had from the said Lords Proprietors.

[B. P. R. O. BOARD OF TRADE JOURNALS. VOL. 27. P. 132.]

WHITEHALL, Thursday Feb^y 27th 171⁷₈

Sir Robt Montgomery attending communicated to their Lordships the Grant which he hath by lease & release from the Lords Proprietors of Carolina of a tract of land in that Province which he proposes to settle and whereof he desires the govern^t for life

[B. P. R. O. BOARD OF TRADE JOURNALS. VOL. 27. P. 140.]

WHITEHALL. Wednesday March 5th 171 $\frac{7}{8}$

Col. Blakiston & M^r Micajah Perry attending as desired they were severally asked their opinions concerning the proposal of Sir Robt. Montgomery for making a settlement in the south part of Carolina particularly as to its effecting Virginia Whereupon they said they thought it would be no detriment to Virginia but if the direction of such a settlement were under the care of a good man it would be a public advantage especially to Carolina itself.

[B. P. R. O. BOARD OF TRADE JOURNALS. VOL. 27. P. 143.]

WHITEHALL. Friday March 7th 171 $\frac{7}{8}$.

Upon consideration of the grant made by Lease & Release from the Lords Prop^{rs} of Carolina of a tract of land in the South part of that Province to Sir Robt. Montgomery of which tract Sir Robert desires the govern^t for his life Ordered that copies of the said Lease & Release be sent to M^r Attorney General for his opinion whether anything be contained therein prejudicial to the right of the Crown.

[COUNCIL JOURNAL.]

29 March 1718

NORTH CAROLINA ss

Att a Council holden at the House of Co^{ll} Tho^s Pollock in Chowan on Saturday the 29th day of March 1718

Present the Hon^{ble} Charles Eden Esq^r Governo^r Cap^{tn} Gen^l and Adm^l

Tho ^s Pollock	} Esq ^{rs} Lds Prop ^{rs} Dep ^{ties}
W ^m Reed	
T Knight	
Rich ^d Sanderson	

Upon Petition of Henry Speller Setting forth that John Berry Dying seized of a Certain Tract of Land lying Kesiak Neck and Leaving no Heires or any Will the same Esteheats to the Lds prop^{rs} and prayes that

a Writt may Issue out to the Escheator to Enquire whether the said Lands do Estcheat &c

Ordered that a Writt of Estcheat do Issue

Ordered that Enquiry be made into the Bounds of a Certain Tract of Land late Alexander Goodgroomes and a Tract now belonging to Tobias Knight Esq^r on or near newport River and that a Report of the same be made to the next Council whether the lines interfere with each other or not

Upon Petition of William Stephenson praying a writt of Estcheat for a Tract of Land Containing One hundred Acres lying on Deep Creek in Little River between Thomas Holloways and the Creeks Mouth called Graces.

Ordered that a writt do Issue to Enquire whether the Same land do Estcheat accordingly

Upon Petition of Laurance McGew setting forth that Thomas Murry four years agoe survey'd and patented a Tract of Land of One hundred Acres lying on the North Shoare of Chowan which land is now Elaps'd for want of being Seated and prayes the same may be Granted him

Ordered that the same be granted as pray'd for

Ordered that Henry Lysle and William West do both appeare at the next Council to answer the said West petition

Upon Petition of Thomas Bray Setting forth that a Certain Tract of Land of Six hundred and forty acres was formerly Granted to George Smyth by Pattent bearing date the first day of April 1714 which Land is Lapsed for want of Seating the same pursuant to the Tenor of such Patent therefore prayes the same may be granted him

Ordered that the same be granted as pray'd for

Upon Petition of Samuel Brown Setting forth that he survey'd and Patented Three tracks of Land lying in Catawalskee meadow in the Precinct of Chowan which Land is Elaps'd for want of Seating in due time pursuant to the Tenor of the said pattent and therefore prayes the same may be granted to him

Ordered the same be Granted as pray'd for

Upon Petition of John Bateman setting forth that John Ainsly a Free Dennizen Died Seized of a Certain Tract or parcel of Land lyeing in Seuppernung and leaveing no Heirs nor any will the same Escheat to the Lds prop^{rs} and prayes that a Writ may Issue to the Escheator to Enquire whether the said Lands do Estcheat &c

Ordered that a Writt of Estcheat do Issue

Ordered that Thomas Stacy and Simon Privet be Summoned to answer the Motion of Christian Privet at the next Council

Tobias Knight Esq^r Sec^{ry} of this Province having Offered divers Blank patents to this Board to be signed the Question was put by the Hon^{ble} the Governo^r whether this Board should sign any Blank patents as formerly or not and it pass'd in the affirmative *Nemine Contradicente*

Upon Petition of Mathew Caywell setting forth that a Tract of Land Containing four hundred and ninety Acres lying on the south side of Allegator Creek which was patented by his Brother William Caywell and by him Elapsd for not being seated in due time pursuant to the Tenor of the said patent and therefore prays the same may be Granted him

Ordered that the same be Granted as prayd for

Upon Petition of William Maule therein setting forth that Robert Paterson four years agoe Surveyd and Patented a Tract of Land Lying on the South side of Potakashe in Chowan Precinct w^{ch} said Land is now laps'd for want of being seated in due time pursuant to the Tenor of the said Patent and therefore prays the same may be Granted to him

Ordered that the same be Granted as pray'd for

Upon Petition of Co^{ll} Maurice Moore therein Setting forth that some time in December 1714 M^r John Blount obtained a patent for Six hundred and Twenty Seven Acres of land Joyning to the Land whereon he now lives in Chowan precinct and that the said Blount hath not Seated the same according to the purport and Tenore of the said whereby the said Land is Lapsd and therefore prays the same may be Granted to him

Ordered that the same be Granted as pray'd for

Upon Petition of John Bennet therein Setting forth that about the beginning of the late Unhappy Indyan Warr in this Government he bought of one Edward Berry a Certain peice of Land lying in Cashi where the said Berry then dwelt Containing Two hundred Acres and paid the said Berry y^e full Considera^{cion} money for the same after which and before the said Land was secured and Convey'd to him the said Berry was unfortunately killed so that he Could never get a Title to the said Land wherefore he praye a patent for the said Land &c

Ordered that the same be Granted as pray'd for

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA

May 2nd 1718

Sir

Since my last of October 23rd last past ☞ Via Boston I have been in Curratuck where I baptized 35 children and the Mother of one of them ; she hath 3 sisters and 2 Brethern all adults the sons and daughters of an Anabaptist who pretends to be a Physician Fortune Teller and Conjurer, always chosen Burgess for that precinct and a leading man in our Assemblies a fit Man you will say, for a Vestry man, but we have too many such in other Vestries whence it is we find so little favor among them ; they rather oppose than promote the Interest of our Church rather than be subject to such M^r Taylor my fellowe Laborer relies upon the Voluntary contributions of a fewe in the Neighborhood (I commend him not for it) but being unable to travel he keeps to one house has the 4 of Chamber for his apartment and the Liberty of a large room to Preach in there's one Crisp my Neighbor gone for England, I doubt not but impower'd to endeavor to procure more and better Missionaries that will enrich the People but take nothing from them, this is the squeamish Gent^{le} who instead of conform to would have it said in the Vestry Act every Vestry man should promise not to oppugn the Church as by Law Established and after all tho' appointed, refused to become a Vestry man

I am

Your most humble serv^t

JOHN URMSTONE

[FROM POLLOCK'S LETTER BOOK.]

May 3^d 1718

Hond Sir

I had the favor of your kind letter of April the 9th with the writing enclosed. and to make what discovery I could if their was any evil design of the Tuscaroras or Senecas against us, I sent out Mr Charlton to Blount's town, on another pretense, to make what discovery he could, who returned last week, and says he could not find nor perceive that

these Indian had any evil design against the government: and that Blount was very kind, and earnest to send out twelve or thirteen of his men against the Enemy Indians at Neuse. And when Charlton told him that he had not heard any thing yet that the corn was carried to Neuse, or landed there, but Blount told him it was no matter, he would send out his men to Pemptico, and that they might stay hunting about Pemptico, until your Honor had account that the corn was landed at Neuse. Only Blount desired one favor of your Honor: that if his people should have the good fortune to catch or kill these enemy Indians, yet there could not be a slave a head to each of them, but that several of his men who might be there, and as forward and as ready as the other to catch or kill them, yet might not catch any of them, might yet be allowed some gratuity for their trouble, as a blanket or some such matter. This is what account I have had from Charlton.

And as for the Senecas' rudeness at Wekocanaan: it is either natural to them to be so, or else they have a mind to drive away the people from their settlements their it lying in their way to Blounts town; and I can not understand that Blount is so desirous of so many of the Senequas coming among them and spending up their provision, only can not help it, and is obliged to keep in with them I doubt not but that your Honor remember that about two years since I had a writ of escheat directed to John Palin Esq^r escheator General, to enquire by a jury of twelve good and lawful men whether the plantation at Sandy Point were ascheatable or not, which I deferred to use on the following reasons: First, because I was willing (if it could have been done) to have had it first determined concerning the validity of the will secondly, there being other two tracts of land escheatable as well as the plantation at Sandy Point, I was willing to have it all done at once; Lastly and chiefly, was because the Escheator was command to inquire whether the said land was escheatable or not, which in my humble opinion, and so far as I can find, is not right as it ought to be. For all that the escheator is to find (so far as I can understand it) [is] whether the person that died seized had any heirs in the Government or not; for whether a will or no will, is no part of the escheator's duty to inquire into: and this would give only a handle or pretence to some to amuse the Jury, and may be the judge too, by pretending albeit there was no heirs in the government, yet there being a will the land was not escheatable, and so over rule the Jury to bring in their verdict that the land is not escheatable. To prevent which I have enclosed a form of a write of escheat which I believe may be more proper. For the finding of the Jury, that such persons

hath no heirs in the Government, can be no detriment or hindrance to any person that is donee, or devisee of any land by will, nor unto any heir, if he come in and make claim in the time the Law allows.

Also I have included in the form of the writ, to inquire wither Col Wilkison hath any heirs in this Government, which being for the same land, I believe may be included in the same writ, and can be no prejudice to any person, but may obviate some pretensions that may afterwards arise. All which I leave to your Honor's more mature consideration to do therein as you shall see most convenient; only entreat the favor of your answer by the first opportunity. For I would willingly have this matter brought to an end; and I doubt not by the first letter to some of them from Col Gale there will be some other amusements of new Law books, gudges, or Attorney General's opinions et cet.

My son Thomas recieves with his utmost and real acknowledgement your Honor's favor to him, but pretends himself as yet uncapable of acting in these posts; wherefore he humbly begs your excuse at present. But I am in great hopes he will endeavor to improve himself, and make himself capable of being serviceable to your Honor and the country in some short time.

Having no news here of any moment; only there is a report that some of the pirates have come in and submitted themselves to the government in Verginia, and brought in considerable quantities of money with them. Your news-books, which I recieved by Capt^a Lovick, after perusal shall return them. Your Honor's excuse for this long scrawl is humbly begged by him who most sincerely is

Hon^d sir

Your most obedient

Humble Servant

THOMAS POLLOCK

[B. P. R. O. N. C. B. T. 7. p. 101.]

ST JAMES' July y^e 29th 1718

Present

Lord Carteret Palatin

M^r Ashley

S^r John Colleton

M^r Danson

Order'd that a letter be writ to the Gov^r of North Carolina signifying their Lordships pleasure that all the former Deputations, the old method of making & appointing the Council be revoked And that M^r Eden do immediately constitute a Council consisting of himself & ten Councillors as the custom is in his Majesty's other Colonies to be assistant to him in the administration of the government and to make up a part in the Legislature.

Order'd that the Laws of North Carolina be brought to the Board next week

[COUNCIL JOURNAL.]

NORTH CAROLINA

At a Council held at Sandy Point in Chowan July 31st 1718

Present the honble Charles Eden Governor Captain Gen^l & Ad^m

Thomas Pollock	} Esq ^{rs} Lds prop ^{rs} Deputys
William Reed	
ffra ffoster	
ffred Jones	
Rich ^d Sanderson	

Upon Petition of Mathew Pritchett praying Admⁿ on the Estate of Patrick and Gregor M^kgreory may be given to Jane Pike Widdow in behalfe of her Children as nearest of kin

Ordered that y^e same be granted as pray'd for

Upon Petition of M^r John Blount praying an order for a survey upon a Tract of Land Lapsd last Council by Co^l Maurice Moore belonging to the afos^d Blount

Ordered that the surveyor General or his Sufficient Deputy M^r James Beesly M^r Rich^d Lewis and M^r Thomas Luten Jr or any Two of them with the Surveyor General or his Sufficient Deputy some time between the first of October and the Twenty fifth of the same next ensuing or sooner if it can be done doe make a Survey upon the afors^d Land and return the same with a View thereof upon Oath whether the same be sealed or not according to leave, to this Council and that y^e s^d Blount and Moore be served with Coppy of this order and attend accordly

Upon Petition of Rich^d Shuner setting forth that he survey^d near the punch Bowle at the Bear Swamp in Perquimons precinct 800 acres of Land which was returned in two Surveys of 400 Acres each and obtained pattents for the same which was seated as near as this petitioner could in the middle of the Two Tracts but for want of a divission line is apprehen-

sive one of the s^d Tracts is Lapsable for want of seating therefore prayes an order of this Board for Lapse pattents for the afs^d Lands

Ordered that the same be granted

Upon Petition of Mary Williamson late wife of Christopher ffirebent praying for a patent for some Lands her Husband Dyed possessed of

Ordered that the right to the s^d ffirebents lands be in the said Mary Williamson and that if the s^d Lands be not in the Controverted Bounds pattents Issue out for the same

Upon Petition Sarah Mary and Rose Blount prayes for a pattend for 640 Acres of Land in pamlicough the pattents for the same being burnt by accident

Ordered that upon the Governors enquiring into that matter if it appeare as the petition Sets forth a new patent Issue for the same

Read the Petition of Lemuel Lanier.

Ordered that it lay till the next Council and that the s^d Lanier attend this Board to make out what he sets forth in his petition

Upon Motition of Daniel Richardson Esq^r praying for Letters of Admⁿ on behalfe of the Ld^s Prop^{rs} on the Estate of Co^{ll} Thomas Cary Dece^d

Ordered that the same be granted

Upon a Complaint of Cap^t John Hoyter, king of the Chowan Indians that the neighbourhood intrude upon him and his people and take away their Lands

Ordered that the Surveyor General or his sufficient Deputy at ten days notice attend ffred Jones Esq^r up to the said Indian Towne and follow his directions in laying out the s^d Indians Lands and that the Sec^{ty} or his Deputy send him Coppys of all orders passed relating to grants made to the aforesaid Indians as soone as possible.

Whereas the present Assembly stands adjourned till the first day in August next its Ordered by this Board that they be further adjourned till the second day of November next ensuing and that a proclamation Issue accordingly

This Board taking the Act of Bath County into their Consideration it is their opinion and desire that the Governor as soone as possible raise foure parties of men to consist of Ten white men and Indians each to be under the comānd of any person or persons he shall Judge capable to be Employ in destroying the Enemy Indians and that he supply them with provisions and other Necessarys fit for such an Expedition by Impressing or otherwise as he shall think most proper and that each partie of men be employed at the following stations Viz^t one party at

the forke at Neuse one party between Adams Creek and Trent river one party on the north side of the Neuse ranging towards bear river and one other party at Core Sound and the provost Marshal for the County of Albemarle is forthwith ordered to make an end of Impressing the hundred and fifty Bushell of Corne and other grain order'd last Council and see that its sent away directly to Captain Gatling at Nuse at the s^d provost Marshal is hereby Impowered to Impress any proper Craft and persons to carry the s^d corne to Neuse as afs^d

Whereas several indirect practices and abuses hath appeared to this Board by persons Lapsing Lands without the party appearing from whome the Lands were taken

Ordered that for the future pattent shall not pass for Lapse Lands till notice be given to the party in possession and this Board is sattisfied that the s^d Lands are Lapseable and that no pattent shall be Issued by the sec^{ty} or his Deputy until they have passed the Examination of Co^{ll} Thomas Pollock and ffred Jones Esq^r who are appointed inspectors into that affair

It being represented to this Board that divers entries of Land are daily made in the Controverted Bounds and other Irregularitys Committed by entries of Lands in other places

Ordered that the Surveyor General at the Councils held in the months of March July and October yearly lay before this Board copys of all his Entries and Surveys of Lands with a copy of his Instructions the first Council that sits and that he attend the Board in person and be served with a Copy of this order

[FROM N. C. LETTER BOOK OF S. P. G.]

Mr URMSTONE TO THE SECRETARY.—(EXTRACT.)

NORTH CAROLINA 18th 8ber 1718

Sir

— America and the Climate Kills many I am Informed there have 9 or 10 Clergymen died in Virginia since I came into America, and not many less in South Carolina, some are of opinion that my life is owing under God to poor living sparing and ordinary diet with much exercise and sometimes hard labor—but age makes me abate of the latter so that I feel my fare will be worse if that can be, I set out to-morrow to a place near a hundred miles off, must cross a broad Water near 12 miles in a

canoe, where Mr Keith stopt when in the province, where I hope to get a little beef and pork if I fail we shall inevitably Starve, and to go a begging will avail little. I've tried that nay more than once, my family have had little else for sometime, but a little boiled corn such as others feed their Hogs with, and now and then mush, alias hasty Pudding made of Indian Meal, or rather water Porridge such as is eaten in the north of England, and would be good food had we a little salt butter to it. The longer I stay here the poorer I growe—Apparel, and Household stuff wear out, and how to recruit I knowe not, my Salary as managed will not keep us, nothing is to be expected from the Parish I cannot prevail with the Vestry Men to meet, the Governor has endeavor'd to cause them but in vain he has Difficulties enough to grapple with, this Country abound with Men of all sorts and fashions, opposers of all that wish well (to) it, the spirit of contradiction reigns here, they are not to be governed, but by methods of their own contriving, like no religion but one of their own making and will be served in their own way—I have more than once, desired that I might receive half my Salary yearly at Barbadoes, either by Bills of Exchange, or General Letter of Credit. I want many things, from them, my Bill will not pass there for want of an indorser, which is wanted in other Governm^{ts}, also to my great disappointment Goods are to be bought nowe in Virginia at the first cost in England, a Couple of Good Slaves, that speak English, and that have been used to plantation Work, and a Wench for the House I want sore; my son is grown up and hath great offers made him in England 'tis not justice to make a negro of him, as he has been for several years, work a hoe and axe, and may live like a gentleman in England, which he must never expect to do here, there being but few of that degree among us I am denied one of the greatest Comforts of Life in conversation, with either the living or the dead, the Library at Pamptichoe, sent in for the use of Clergymen by Dr. Bráy in all appearance will be to all destroyed, that place being abandoned and so will all the country be in a short time, for fear of 7 or 8 Indians, the remnant of some of the Towns are destroyed in the late War, who with the assistance of some from the North, and South, do great mischief and threaten the whole Colony, so helpless are we and a prey to ev'ry body, that will attack us the Books Mr. Gordon should have brought in, and did of right belong unto me, were left with Mr. Wallace late Minister of Reekotan in Virginia, and those Mr. Adams left at his death and demanded by me are detained by the Worthy Gentⁿ of the Vestry who say they are appropriated to that Parish, and no man shall have them except he'll reside, which I would

not do for £500 per ann^m Now I beg as I have often done, once more that the Hon^{ble} Society may procure an order from the Proprietors to the Gov^r and Counsel for the delivery of the said Library and those Books in Carratuck, which the said Mr. Adams brought in or else send in others These several requests, I have made more than once, and if they came to hand; I cannot see why I have no answer, except the Society will oblige me to leave the country, the people would be well pleased, for by that means they would avoid paying me £240 which is due to me and were it not for the hopes of receiving that money one day I should be equally willing to leave them for I am quite weary of my life I was in hopes of selling my plantation for half worth and whenever I part with it 'twill be at that day yet I must do it unless the Society will comply with what is desired and let me have a favorable and kind answer with all speed. These are from Sir

Your most humble servt

J URMSTONE

Missionary

[COUNCIL JOURNAL.]

30 Oct 1718

NORTH CAROLINA—SS

At a council held at the house of Co^{ll} Thomas Pollock Octo^r the 30th 1718

Present the Hon^{ble} Charles Eden Governor Cap^t General & Adm^{ll}

Thomas Pollock	} Esq ^{rs} Lds prop ^{trs} Deputys.
Wm Reed	
ffra ffoster	
Rich ^d Sanderson	

The Hon^{ble} the Governor having laid before this Board several papers, proposals & Instruments between himself and the Governor of Virginia towards adjusting and determining the Boundaries between this Government and that of Virginia and having likewise made known to the Board that he has orders from the Lds Proprietors to settle the same agreeable to the proposals afores^d

Its therefore Ordered that ffred Jones Esq^r Coll William Reed and Capt Rich^d Sanderson or any two of them be and are hereby appointed Comissioners for that purpose who with the Surveyor General on the 10th of May next ensuing are to proceed to lay out a line between the Two Government agreeable and according to the Instruments Signed by both

Governors *afors^d* for that end and that the Surveyor General give the Governor of Virginia timely notice of this order that Commissioners may be by him appointed to meet the Commiss^{rs} of this Government at the time *afors^d* for the purposes an intent *afors^d* and likewise that the Surveyor General procure six freeholders of this Government to attend the Commissioners while the s^d line is running and all other charges he or they may be at in and about the premises they are hereby directed to draw upon the Lds Receiver General who has orders to answer and pay the same out of their Ld^{ns} Revenues

Its represented to this Board the setting of the last Council that divers Irregularitys and abuses were Committed in Lapsing lands where upon our order framed in these words viz^t that for the future pattents shall not pass for Lapsed Land till notice be given to the party in possession and that this Board is sensible that the Lands are Lapsable

Which order being again Considered off by this Board and found to be hindrance of settling Land pursuant to the pro^{visi}on mentioned in the pattent

It is therefore further ordered that upon any persons petitioning for Lapsd Lands for the future pattents shall immediately be granted which s^d pattents shall Lye in the Sec^{ty} Office till the person in possession have notice given him by the Constable of the precinct where the land lyes and if such person after notice as *afs^d* shall not shoue sufficient reason to this Board why pattents should not Issue by the setting of the next Board after such Lapse pattents are obtained that then the Sec^{ty} deliver the pattent to y^e persons praying for the same

Co^{ll} William Reed Petitions for a Lapse pattent for 640 Acres of Land lying in Pasquotank surveyed by Augustine Scarborough being not Seated as the pattent directs

Ordered that a pattent Issue pursuant to the *afs^d* order

Upon Petition of M^r John Blount praying an order might pass for a Resurvey upon the Land now in dispute between Co^{ll} Maurice Moore and the s^d Blount and this Board by the surveyors returne now laid before them being made sensible that the Quantity of Land wanting to make up an Acre is not so much as the fence stands upon

Its therefore Ordered *nemine Contradicente* that the Surveyor General make a resurvey of of the s^d Land without the fence so farr as the s^d fence extends as pray'd for and that M^r Blount give notice to Co^{ll} Maurice Moore that he may attend and this Board being in all likelihood to continue setting a Considerable time by reason of the assembly meeting Therefore its further ordered that the returne of the *afs^d* survey be made

this present sitting of the Council and that all persons formerly ordered to view the same attend this Board as afsd

Upon Petition of Henry Lisle setting forth that he is satisfied and p^d by W^m West for a Tract of Land now in disput between him and the s^d West praying that a pattent for the s^d Land goe out in the s^d West name

Ordered that the same be granted as prayed for

CHARLES EDEN
THO^s POLLOCK
W^m REED
FFRA FFOSTER
RICH^d SANDERSON

[COUNCIL JOURNAL.]

4 November 1718

NORTH CAROLINA—SS

At a Council held at the House of Co^{ll} Tho^s Pollock Nov^r y^e 4th 1718
Present the Hon^{ble} Charles Eden Esq^r Governor Cap^t General etc

Tho ^s Pollock	}	Esq ^{rs} Lds prop ^{trs} Deputys
William Reed		
ffred Jones		
Rich ^d Sanderson		

Two Letters being laid before this Board from M^r Sec^{ty} Knight Dated Octo^r y^e 30th 1718 giving an acc^t that a great body of Indians are now about Bath Town that they have seized M^r Worsleys daughter and sonn with a white servant and Negroe and that Rangers have been sent out in search of them who have ratakene M^r Worsleys son this Board haveing duly considered of the said Letters and Examined ——— Adershire one of the Rangers who was at the retaking the afs^d young man from the Indians and not being fully satisfied of the information it is there opinion before anything further be done it that a messenger be immediately sent away to Bath Towne to M^r Sec^{ty} Knight with orders for him to send the s^d M^r Worsleys son directly into the Council who will continue sitting til the return of the s^d messenger and that M^r Sec^{ty} returne a very full acc^t of the matter and of every thing that may have happened since his dated as afors^d in the afternoone Then this Board adjourned til the 6th of this Instant Novem^r to M^r Grils House in Matitracomack Creek

Nover 6th The Board met again Present the Hon^{ble} the Governor

William Reed	}	Esq ^{rs} Lds Deputys
ffred Jones		
Rich ^d Sanderson		
40		

Upon Petition of Co^{ll} Edward Moseley as Attorney of M^r Maurice Moore setting forth that an order passed last Council for a Resurvey on the Lands in dispute between the s^d Moore and M^r John Blount was obtained Exparte and prays that persons before ordered to view the s^d Land doe first make their returne to this Board before any new proceedings be had thereon

Ordered that the subject matter of the s^d Petition be taken into Consideration on Munday next and that no proceedings be had thereon till then

CHARLS EDEN
WILLIAM REED
FFRED JONES
RICH^d SANDERSON

[B. P. R. O. N. C. B. T. JOURNALS. 7. P. 107.]

Nov^r 7th 1718.

Present

Lord Carteret Palatin
M^r Ashley
S^r John Colleton
M^r Danson.

A letter from M^r Eden & the Council of North Carolina setting forth that the prohibition of the sale of land in North Carolina is inconsistent with the settling of the Province &c. was read and their Lordships agreed to consider further of that matter when they have received an answer from that Province in relation to M^r Moseley's Proposals for the better ascertaining the Chief Rents.

Agreed that M^r Eden may have a Title and that the Order under M^r Eden and Col. Spotswood's hands may be approved of, and consented to by his Majesty

[COUNCIL JOURNAL.]

NORTH CAROLINA SS.

Att a Council holden at the Court House in Chowan November the 11 1718

Present the Hon^{ble} Charles Eden Esq^r Governor etc

{ Thos Pollock
William Reed
ffred Jones
Rich^d Sanderson }

Esq^r Lds prop^{trs} Deputys

Mr John Hardy appeared before this Board and made a returne of his proceedings about the Alarme lately made in panlicough which with some Letters from Mr Sec^{ty} Knight and deposition brought in and now laid before this Board by Cap^t John Worley proves the whole affair a Villianous confederacy of Mr Worseleys Children and servants with his slave Pompey in order as it is believed to keep the s^d Slave from the derserved punishm^t due to him for former Roguerys of this kind done by the s^d Pompey which being duely weighed and considered of by this Board and the ill Consequences that attends such false reports and Alarmes and for the Terror of others it is hereby Ordered that Mr Thomas Worsley before the Marshall discharge him give bond with sufficient security in the sum of Five hundred pounds that he and his Daughter Mary likewise attend the Governor and Council or General Court at the next meeting and stand to and abide such orders as shall be passed ag^t them and not depart without leave of the Court and that they be of their good behaviour in the meantime.

And it is further Ordered that the Marshall or his Deputys in the face of the Courts immediately give to John Worseley son of the afs^d Thomas Worseley 39 lashes well laid on on his bare back and its further Ordered that Nathaniel Ming servant to the afors^d Thomas Worseley in Consideration of his being servant and discovering the above s^d Roguery have but 29 lashes on his bare back at the same time and place with Mr Worseley son

And its further Ordered that all possible means be used towards apprehending and takeing the afos^d Indian slave either Dead or alive and in case he should be taken alive that the Governor desired to bring the s^d slave to speedy Justice.

Its likewise further Ordered that Mr William Charlton immediately repair to Blounts Towne and give him an accompt of the discovery made in the affairs of Pompey and to let him know the Services done by one of his Indians named Johnny and withall that as the Governor from time to time informs him of occurances as they happen that this Board expects the same from him and that he will encourage any of his Indians to scout out in order to apprehend the s^d Pompey that they shall have a sufficient reward for the same

The Surveyor General not haveing laid before this Board his Instructions returns and Copy of entries pursuant to an order passed last Council is hereby ordered without fail to lay y^e same before the Examiners that pattents may Issue.

This Board finding it necessary to continue Rangers in Bath County do hereby order that Rangers be continued subject to the Governors directions and that the provost Marshall impress the remainder of the Corn unpressed and so much more as will make up the quantity 200 bushels and that he shall deliver the same to such person or persons as the Governor shall order and appoint and take receipt for the same

Upon Reading the petition of King Squires and Mackay its ordered and declared that all entrys and surveys and pattents that heretofore have been or hereafter shall be made or granted or any sales by them made without leave from the Government and Council by them and their people of the Lands appointed for the Settlement of the Marniskeet Indians shall be invalid and of no Effect to all intents and purposes as if the same had never been made or granted and to prevent all further compl^{ts} its ordered that the Sec^{ry} and the Surveyor General be acquainted herewith

Ordered that writs are Issued for calling an Assembly to Seat y^e Court House in Queen Anns Creek the first Tuesday in March next

Upon Petition of John Lovich Setting forth that some months before Governor Hyde dyed he entered with the Surveyor General a Tract of Land containing by Estimation four thousand acres of Land lying in Bath County knowne by the name of Core Towne and by reason of the Indian Warr which made it very dangerous to go out in those parts it was not survey'd by him before his Death after which Adm^{tion} being granted to the widdowe of the s^d Governor Hyde she entered the s^d Lands in her owne name and soone after left the Government leaving the care of the Afs^d Lands in her Attorneys hands who promised Her to see it saved to her and further Sheweth that his the petitioners Unkill Edward Pard of London formerly lent Governor Hyde a Considerable Sum of money which he promised to pay to the petitioner who came out of England with him upon the afs^d promises and lived with him till his Death but never rec^d one farthing of the afors^d money tho he had abundance of Assurances that he would do it as soone as the Government was Settled (it being then in the greatest Confusion) but his Death prevented, And the Widdowe being sensible of the afors^d Debt had discourse with petitioner several times about it and seemed very much Concerned it had not been paid and being willing to make some satisfaction as well for the money due to him upon his Unkles accompt as his Owne Services gave your Petitioner a Deed for the s^d land which is here produced the Petitioner haveing such Title as afs^d has often moved the Governer that he might take out pattents for the s^d Land and has been and now is ready

to pay the purchase therefore but has allways been denyed by reason as your Petitioner is told that Co^l Tho^s Pollock had made an offer of the afors^d Lands (dureing the time of his being President) to the Lord Carteret for a Barony and til his answer is rec^d is stil denyed the same, to the great hindrance of their Lds settlement as well as private Damage to this Petitioner. the premises being duely Considered by this Board the Petitioner prayes an order of Council forbiding any Entries to be made on the s^d Land claimed by the petitioner and in case the Ld Carteret doe not in Some time lay claim to the same that the petitioner and no other have right and Title there to

Ordered that in case the Ld Carteret doe not make his claim in some reasonable time that the right and Title to the s^d Land be in the s^d John Lovich and that all entrys or Surveys made on the same Land for any other person be null & Void

Upon Petition of John Cain setting forth that John Hendricks dyed Seized of a Tract of Land lying on the East side of Cascupernung river being the point of the river and that he hath made no Will nor is there any relations of the s^d Hendrick to be found praying a writ may Issue to enquire wether s^d Land doth escheat & that a pattent may be granted to him for the same

Ordered that a Writt of Escheat doe Issue for the same

Upon Petition of Cap^t Richard Sanderson Setting forth that John Hendricks late of this province is Dead and that he dyed Seized of a Tract of Land Containing 600 Acres lying on the Sand Banks between Cap^t Sanderson and Thomas Evans lines which s^d Land doth Escheat to the Lds prop^{ts} for want of Heirs of the s^d Hendricks prays a writ of Escheat may goe out to enquire whether the same doth Escheat and that the petitioner may have a pattent for the same

Ordered that a writt of Escheat do Issue for the same

Upon petition of Co^l William Reed Shewing that John Jones Jun^r Survey'd 200 Acres of Land or thereabouts lying on the Broad neck at the mouth of North River and pattented the same and afterward Sold it to the Pet^r but the same not being seated pursuant to proviso in the pattent he prays a Lapse pattent may be granted for the same

Ordered that the same be granted as prayd for

Upon Petition of Co^l William Reed Setting forth that John Jones Jun^r formerly pattented a Tract of Land containing 248 Acres or thereabouts lying at Powell point the which y^e s^d Jones has sold to one Thomas Williams and the Same not having been seated by either of them as the pattent directs prays a Lapse pattent may be granted to him for the same

Ordered that the same be granted

Upon Petition of Cap^t James Browne setting forth that one William Joy about 20 years Since took up a parcel of Land in Pasquotank Precinct Containing 216 Acres or there about which Land the the s^d Joy sold to one Nickolas Algate but neither of them haveing Seated the same as the Law directs prays a Lapse pattent for the afors^d Land may be granted him

Ordered that the same be granted

Upon Petition of ffred Jones Esq^r Shewing that about five years since Mr Lewis Connor of Verginia pattented a Tract of Land lying on the long ridge Containing 640 Acres which is not seated as the ~~pro~~vis in the s^d pattent directs praying a Lapse pattent for the same

Ordered that the same be granted as prayed for

The Petition of Co^{ll} William Reed was read shewing that Stephen Scot pattented a Tract or parcel of Land in the Broad Neck Containing 400 Acres or thereabouts now in the possession of Edward Son of the said Stephen Scot neither of which haveing seated the same as Lawe direct he prays a Lapse pattent may be granted to him for the s^d Lands

Ordered the same be granted

Upon Petition of Co^{ll} William Reed setting forth that Augustine Scarborough in the year 1708 Pattented a Tract of Land lying in Pasquotanke Containing 567 Acres but did not in his life time nor any one Since his Death seat the Same as by Lawe they ought prays he may have a lapse patent for the same

Ordered that the same be granted.

Read the Petition of Jacob Miller shewing that James Walker late of this province dyed Seized of a Tract of Land Containing 800 Acres lying on the South Side of Nuse river which Land is Escheatable to the Lords prop^{ts} for want of Heirs of the s^d Walker praying a writt of Escheat may goe out to enquire whether the said Land doth Escheat and that he may Obtain a patent for the same

Ordered that a writ of Escheat do Issue for the Same

[FROM POLLOCK'S LETTER BOOK.]

Dec 8th 1718

Hon^d Sir

I have herewith enclosed my real sentiments as to the queries proposed by M^r Knight, but must needs acknowledge my weakness in such high

matters, and want of time, being unwilling to detain the messenger too long: and to answer to what you desire in the postscript of Mr Knights letter, I declare that I never heard any thing of any applications to Verginia concerning Capt^a Thach, nor nothing of any intended expedition out of Verginia, until I heard that Capt Brand was come in, and that he and Col Moore and Capt^a Veall were gone to Pamplico.

There seems to be a great deal of malice and design in their management of this affair: wherefore I hope your Honor will be very cautious, and not to give them any opportunity to take advantage, which you no some people are ready and willing to do. And the Statute 11 and 12 King william being that all Governor in the said plantations under proprietors shall assist the commissioners, as is before expressed in the answer, and believing that Governor Spottswood would not act as he does by that old commission to Governor Nicholson; wherefore it is good, in my opinion, to be easy in the matter, and ready to do as the law directs, that they may be disappointed if they expect any advantages by your refusal. And as for the trial of the men, if they will have it in Verginia, it [will] ease your Honor of a great deal of trouble, and take off the odium of it from this government.

I hope your Honor will pardon my freedom, and take it in good part, and if I have erred any way in my opinion, please to attribute it to my weakness and want of a right apprehension of the matter, and not to be the want of sincerity of him who is

* * * *

As for the sugars or other goods delivered, or landed to be delivered, to the Governor, to be secured for those that can make appear a right to them it seems to me that they can not be seized or carried out of the government, until by Judgment and condemnation the property be determined to be in the King, the Lords Proprietors or recovered by due course of law by the owner. and it seems to me the goods being in this government, or in some superior government, which is only in England, unless the government of Verginia have a commission from our present King thereanent according to the statute the 11 and 12 King William, which statute was only for seven years, and in the fifth of Queen Anne continued for seven years more and lastly in the first of our present King revived and continued for five years more and to the end of the next session of Parliament.

Then as for Governor Spottswood sending in forces here to apprehend Capt^a Theach and his men, it seems very dark and strange to me for by the foresaid Statute 11 and 12 of King William the power of trying pirates is only given commissioners to be appointed by the King under

the great seal of England or the seal of admiralty. So that unless the Governor of Virginia be appointed by Commissioners as aforesaid from our present King thereanent, I know not by what authority he could send in warlike forces into this Government without the consent of the Government. And I should think if he had a commission from our present King to act in this manner, it would have been easy to have expressed it more fully in his power given to Captain Brand, and it would have been reasonable (as I take it) to have sent in a copy of it to the Governor here, that he might have had some guide and directions how to proceed in this matter. For as for King Williams commission to Governor Nicholson, (as I take it) it was determined at farthest in six months after his death, and so I believe can be no sufficient authority for any other Governor of Virginia to act by: and also by the same commission the Governor of Carolina seemed to be of equal power with the Governor of Virginia in the trial of pirates.

And whereas by the King's proclamation all admirals, Captains, Governors, & cet. are commanded only to seize on and take such of the pirates who shall refuse or neglect to surrender themselves according to the proclamation:

Now abeit that Theach and his men have come in and surrendered themselves, according to the proclamation, yet if they have been guilty of piracy after the 5th of January last, whether this may not be accounted a refusing or neglecting to surrender themselves according to the Law intent and meaning of the proclamation.

And as for carrying out such person to be tried in Virginia, unless as is said the Governor of Virginia has a particular commission from the present King, I cannot see how he can legally do it, for, if the act by virtue of the commission to Governor Nicholson, by the same commission the Governor here hath the same power, and the persons being inhabitants of this of this government ought to be tried here, for where two person have equal rights, he that hath the possession ought to have the preference

I have given my opinion and true sentiments in the matter proposed, according to the best of my knowledge impartially, but must acknowledge my weakness and unacquaintedness in affairs of such high concern, and also want of time, having but little time to peruse the papers and return— * * *

[COUNCIL JOURNAL.]

30 Dec 1718

NORTH CAROLINA SS

At a Council held at the house of M^r Chief Justice Jones's December 30th 1718

Present the Hon^{ble} Charles Eden Esq Governor Captain General &c

Thomas Pollock	} Esq ^{rs} Lds prop ^{ts} Deputys
ffra ffooster	
ffred Jones	
Rich ^d Sanderson	

M^r Maurice Moore and M^r Edward Moseley on the 27th day of December last having been comitted to the Custoday of the Provost Marshal for illegally possessing themselves of the Sectys Office the Journals at the Council and several other papers Relateing to the goverment lodged at Sandy Point the Dwelling house of Cap^t John Lovick Deputy Sec^{ty} and the Hon^{ble} the Governor haveing called this Board upon the same and laid before them his reasons for so doing

It is the Opinion of this Board that the s^d Moseley and Moore are guilty of high Crime, and misdeameaners being not only tending to the manifest Injury of the people and Subverting the quiet of the goverment but a high contempt and dishonor of the Supreme authority thereof in entring into the Offices Afors^d and detaining near twenty four hours the records papers and Journals afors^d and that the Governor has Justly and warrantably committed them for such their crimes and being further informed that after the committment of the said Moore and Mosely they used several dangerous and seditious speeches and expressions endeavouring thereby to raise Sedition and disturbance in the Government

Wherefore its hereby ordered that M^r John Lovick Deputy Sec^{ty} M^r John Blount and M^r Thomas West be Examined upon Oath and their Depositions taken relateing to the premises afors^d which were accordingly taken

Then the Board adjourned until to morrow morneing early

Wednesday Morneing this Board met againe present y^e same

This Board haveing taken the depositions of several persons and duly considered the Act intituled an an Act for the better and more Effectual preserving the Kings Peace and Establishing a good and lasting foundation of Government in North Carolina they are of opinion that M^r Edward Moseley is guilty of a breach of that Law where upon it is

Ordered that the s^d Edward Moseley do stand further Committed as well for the same as also for the charge High Crimes and Misdemeanors for which he is now in Custody and further that the afs^d Maurice Moore do likewise further stand committed for the several Charges of High Crimes and Misdemeanors he is now also in Custody until next General Court held in March next unless they the s^d Edward Moseley and Maurice Moore shall in the meane time demand and give good and sufficient bail to Richard Sanderson Esq^r in the sum of Two Thousand pounds each to answer the causes they allready stand Committed for, and the s^d Moseley in the further sum of one thousand pounds to answer the breach of the afors^d Lawe and also for their appearance the first day of the s^d Court and in the meanwhile to be of their good behaviour and that the Attorney General be ordered to prosecute them for their offences

Ordered that the Sec^{ty} prepare a proclamation for the better preserving Kings peace and for the observing the penal Laws and that it be published as soon as possible

Whereas the Hon^{ble} the governor havinge laid before this Board a Narrative of his proceedings about the Surrender of Thache and his Crew to him and of Some disorders committed by them while at Bath Towne and By what means they were quieted together with the manner of his clearing out for the Island of St Thomas and his returne to Bath Towne the second time with his bringing into this Governm^t as he pretended a Wreck laden with sugars with a full accout of his behaviour till the Sloops of Warr from Verginia attacked and killed him at Ocacok Inlet as also the steps taken by the Governor of Virginia and Cap^t Ellis Brand (Comander in Chief of both the afs^d Sloops) since Thaches Death with their demands as to the people that had surrendered themselves to this Government and their Effects and the conclusion that he came to there-upon And the Governor havinge further informed the Board that on the 27th day of December last he had information that M^r Maurice Moore and M^r Edward Moseley took into their possession the Records of the Govern^t and possessed themselves of all his owne papers keeping him out of his owne Lodging roome and barring the Secty from his office upon which he committed them both to the provost Marshall and their being a full accompt upon Oath of their Impudent behaviour since and Threatning speeches.

Ordered that the Secty prepare an address to the Lds prop^{trs} upon the subject and as soone as finished that the Deputy Sec^{ty} attend the members of this Board with it for their approbation and signeing

Whereas this Board having considered that the time of Collection drawing very neare and that after the 25th of March a much greater sum of the publick money will be ready to be sunke have deffered the calling of the Assembly to the Consideration of the next Board

Upon Motition Co^{ll} Thomas Pollock praying a writt of Escheat for all the Lands that Co^{ll} William Wilkenson died seized of and all the Lands of Ester Wilkenson who afterward Married the s^d Co^{ll} Thomas Pollock.

Ordered that the same be granted.

Whereas it hath been by long experience found by the frequent and Necessitous meeting and Calling the Council together that the same is very expensive as well as burthensome to them by not only neglecting their own private business but also by their Travelling so farr distant from their owne habitations as most of them must and the trouble they are forced and compelled to Create to some one or other of them in entertaining the rest of them and their servants many times several days together wherefore the Hon^{ble} the Governor by and with the advice and Consent of this Board have well Considered the same and in order to Redress the afs^d inconveniencys and that each of the Council may with more cheerfulness and readyness Attend the meetings afs^d they have thought it very reasonable that the expences of the meeting of the Council should be for the future borne & defrayed out of the Lds prop^{ty} Revenues and thereupon have ordered their Lds Receiver General to pay and defray the same according to an article in his Instructions for doing all such matters as the Governor and Council shall think reasonable

Upon Petition of Rich^d Sanderson Esq^r Son and Heir of Rich^d Sanderson Esq^r praying that Estate whereof his s^d Father Deē'd Died possessed might be and remain in his possession untill the Controversy about proving his late Father will be determined

It is Ordered that Co^{ll} William Reed M^r Thomas Taylor and William Bell of Couratuck or any one of them in Conjunction with the above named Richard Sanderson doe take into their care and possession the s^d Estate and make a true Inventory thereof he having given security before this Board for his returning the s^d Estate or so much thereof as shall hereafter appeare to be due and of right belonging to M^r Thomas Swan they giving notice of the time of the Inventorying the same to the s^d M^r Swan that he may be then there if he thinks fitt

It being represented to this Board that the Surveyors of this Province by their not perticularly mentioning in their returns where the Land returned by them lyes is of great prejudice not only to the people but

also to Lds prop^{ers} wherefore its ordered that hereafter all returns shall be very full and particular as to the Scituation of the Land and the Sec^{ty} and his Deputy are hereby ordered not to make out pattents for any Land unless such returns are very full and Intelligible

Ordered that the secretary and the surveyor General by the Sitting of the next Council bring in and lay before this Board all the Blank Warrants for Land that either of them may have in their keeping or possession without fail

Ordered that it be a standing rule for the future that the Minutes of the Council be signed by this Boad allways before their breaking up

Ordered that the Secretary prepare a Letter to be sent to the Lords Prop^{trs} for the Recomending ffred Jones Esq^r to be Chief Justice of this province

CHARLES EDEN
THOS POLLOCK
FFRA FFOSTER
FFRED JONES
RICH^d SANDERSON

Coll William Reed comeing in after this Board broke up and Two of the member gone the whole affaires of this Council was Communicated to him by the Governor Co^{ll} Tho^s Pollock and M^r Chief Justice Jones and having thouroly examined the same and agreed to all the proceedings has hereunto Set his name

WILL REED

1719.

[FROM THE SPOTSWOOD LETTERS. VOL. II. P. 272.]

February ye 14th, 1718 [1719.]

To my Lord Cartwright:

MY LORD:

The Neighborhood of your Lordship's Province of Carolina has afforded me divers opportunitys during my Administration here of Testifying my Regard to the Interest of the Hon'ble Proprietors and the Relief of the People, as well during the Civil Commotions in the one as the Indian War, wherein both has been successfully engaged. As I

cannot be unconcerned when any Dangers Threaten the King's Subjects in that Neighbourhood, I hope the part I have lately acted in Rescuing the Trade of North Carolina from the Insults of Pyrates upon the Earnest Solicitations of the Inhabitants there, will not be unacceptable to Your Lords'p, and it is more necessary I should give Your Lord'p a true Relation of that matter, because I perceive some of your Officers in that Governm't inclinable to misrepresent it as an Invasion of the Rights of the Proprietors. Your Lord'p will, therefore, be pleased to know That about the beginning of last June, one Capt. Thatch, a Notorious Pyrate, refused to accept of his Majesty's pardon offered him by the Governor of South Carolina about eight days before he Lost his Ship at Topsall Inlett, with one of the four Sloops he had in his Company, upon w'ch he and his Crew pretend to Surrender to the Governor of No. Carolina, most of his people dispersed, some going towards Pensilvania and New York, and others betaking themselves to their former Villanies, under the Command of Major Bonnet Thatch, w'th about 20 more, remained in No. Carolina, and kept one of the Sloops, pretending to Employ themselves in Trade, but both their discourses and Actions plainly show'd the wickedness of their Designs. The Inclosed Affidavit of one of the Inhabitants of that province, and M'r of a Vessell there, will best display Thatch's insolent behaviour, and how little sensible that Abandoned Crew were of the Clemency they had received. Upon the repeated Applications of Trading People of that Province, and the Advice that Tach had taken and brought in hither a Ship Laden w'th Sugar and Cocoa without either men or Papers, I thought it necessary to put a Stop to ye further Progress of the Robberys, and for that purpose, having prevailed with our Assembly to give considerable Rewards for the Apprehending and destroying of these and other Pirates I hired two Sloops, furnished them w'th Pilotts from Carolina, concerted w'th the Capt's of his Maj'ty's Ships of this Station the proper Measures for extirpating that Gang of Pyrates. These Sloops, fitted with Men and Officers from the King's Ships, Came up with Tach at Oecceh inlett on ye 22nd Nov'r last, and after an obstinate Resistance, wherein Tach, w'th nine of his men, were killed, and nine more made prisoners, and took his Sloop, w'ch was mounted w'th 8 Guns, and in all other respects fitted rather for piracy than Trade. The prisoners have been brought hither and Tryed, and it plainly appears that the Ship they brought into Carolina was, after the date of his Majesty's pardon, taken from the Subjects of France upon the high Seas, near the Island of Bermuda, and the Men put on Board another ship of the same Nation taken at the same time, and was

not a Wreck, as Tach persuaded the Governm't of your Lord's Province to believe.

Now, my Lord, it seems to be taken very much amiss that this Project of Suppressing the Pyrates should have been concealed and put in Execution without the participation of your Lordship's Gov'r, and, in the next place, that the Goods w^{ch} Tach had Piratically taken should be brought into this Colony to be condemned. To the first of these I beg leave to Answer That your Gov'r living very remote from hence, in a Place thinly Populated, and where these Pyrates had their chief resort, I considered that should ye Design Miscarry, your Gov'r must have been more exposed to their Revenge for being lett into that Secret; That he was there without force to defend himself, and consequently could contribute nothing to the Success of the Design, and, besides, the business required such Secresy, that I did not so much as communicate to His Maj'ty's Council here, nor to any other Person but those who were necessarily to be employed in the Execution, least among the many favourers of Pyrates we have in these Parts some of them might send Intelligence to Tach. To the second, as I gave no directions for the seizure of any Goods upon your Lo's Soil, so I have taken care that the whole Effects brought from thence be duly Inventory'd and secured, and that no Decree shall pass here until your Lord's Deputy's be heard, for which purpose Notice is sent to Carolina of the time of holding the Court of Admiralty, and I am Confident from the understanding and honesty of the Judge of that Court that your Lord's and the other Hon'ble Proprietors w^{ll} receive as much Justice as if the Tryal had been in your own Province. As I am also well assured that if you have a Right to any of these Goods you w^{ll} be considerable Gainers by their Importation and Sale here, where there are many more purchasers for such Commodities than in Carolina, and I may say without Reflection much better Payment, but it is not improbable the True Owners may yet put in their Claim, w^{ch} w^{ll} put an end to that dispute and to all pretensions, except for the Salvage, and I believe your Lord's is too Generous to ask from the men who ventured their Lives to Rescue it from the Pirates, considering the Expense of Blood it cost, there being no less than 12 Killed and 22 Wounded of the King's Men that went on this Service.

This, my Lord, is a true Acco't of the late Action in y^r Lord's Province, w^{ch}, however, it may be represented through the mistaken Notions or Passions of some men, I hope your Lord's w^{ll} find nothing in my Conduct therein derogatory to the Honour of y^r Government, or

your Lo'p's Interest. If the necessity of preventing the Growth of so dangerous a Nest of Pyrates in the very road of the Trade of Virginia and Maryland, as well as of your Lords'p's Province, and the secrecy to w'ch I was obliged for the Effectual Carrying on this Service has forced Me to pass over some forms w'th Your Government, I hope Success may atone for that Omission, and I doubt not your Lords'p w'll prefer the benefit of so many of the King's Subjects, (w'ch must otherwise have been exposed to the Rapiñe of these Pyrates,) to the present Resentments of a few discontented Men, as I shall always prefer to all the Applause or Obloquy such Men can give, ye Satisfac'on of being, as I truly am, w'th the greatest respect.

[B. P. R. O. B. T. VIRGINIA. VOL. 60.—EXTRACTS.]

VIRGINIA—JOURNAL OF THE COUNCIL

The 11th day of March 1718(-9.)

The Governour acquainted the Council, that five Negroes of the Crew of Edward Tack and taken on board of his Sloop remain in Prison for Piracy. That he had delay'd their Tryall till the severity of the Winter Season was over that he might have a full Council in order to a more solemn Examination of the severall Piracies of which these and the rest of that Crew have been Guilty. That he judged this the more necessary because he finds Reports are Industriously spread abroad that Thatch and his Crew were not only within the benefitt of his Maj^{ty}s late pardon; but that the Sloops were fitted out for taking them after the said pardon was actually arrived here, tho it is easie to be proved that the same did not arrive till upwards of a Month after these pirates were taken and what is yet more unaccountable practices are sett on foot in the Government of North Carolina to justifie that Crew as Innocent of any Piracies since their first Surrenders. That he hop'd a greater number of the Council would have met now, but seeing no more are to be expected at present he desired the opinion of this Board whether there be anything in the Circumstances of these Negroes to exempt them from undergoing the same Tryal as other pirates,

Whereupon the Council are of opinion that the said Negroes being taken on Board a Pyrate Vessell and by what yet appears equally concerned with the rest of the Crew in the same Acts of Piracy ought to be Try'd in the same Manner; and if any diversity appears in their circumstances the same may be considered on their tryal

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS

At a council held at the house of William Dinkinfield Esq^r April the 3^d 1719

Present the Hon^{ble} the Charles Eden Governor Capt. General and Admiral

The Surveyor General haveing made a returne to this Board reporting that the Land in Controversy between M^r John Blount and M^r Maurice Moore resurvey'd by him by order of the Governor and Councill Contains three thousand feet above an acre and that there was an error in his first returne of that matter which he has now rectified and finds by the courses in his s^d first returne which is within the fence of the afores^d Cleare ground there is some feet above an acre

And M^r James Wineright being summoned upon this occasion laid before the Board a plat of the afs^d Land in Controversy between the s^d Blount and Moore according to the Courses and distances Observed by the surveyor General pursuant to the first order of Council which contains three hundred & ninety feet above an acre

Whereupon this Board haveing Considered the same are of opinion that the s^d Land belonging to M^r John Blount was not Lapsable and that the pattent granted M^r Maurice Moore was Clandestinely and sereptiously obtained

Its therefore ordered by this Board that the s^d Pattent granted to the afs^d Maurice Moore be declared Null and Void to all intent and purposes as if the same had never been granted

The Petition of Solomon Davis Alice Billet Sarah Ward and Tamer Creech being the Children of Samuel Davis Dec'd was read and Alice Billet being called and she informeing the Board that Cap^t Benjamin West has disposessed her of part of the Estate left her by her s^d Father without any maner of pretence that she knows of

Ordered that the s^d Benjamin West attend this Board at its next siting which will be at Matichacomack Creek the Thursday following the opening of the next General Court

A Certificate from M^r John Palin Escheator General was read setting forth that there was a Tract of Land returned by him which did Escheat to the Lds prop^{trs} lying in Nuse and M^r Receiv^r General Assureing this Board that M^r Edmund Gale hath p^d him the Composition money therefore

Ordered that a pattent for the s^d Land doe Issue to the s^d Edmund Gale
Adjourned til Saturday morning

Saturday morning Ten a Clock this Board met again

The Governor haveing laid before this Board a Letter from M^r Edward Moseley directed to him dated Janry 29th 1718 which being read the Board are of opinion that the same is a seditious and scandalous Libel containing several false and Villianous reflections on the Governor and Councils proceedings

Its therefore Ordered that the s^d Letter be put into the Attorney Generals hands to prosecute the s^d Moseley thereupon

This Board having been informed that a wrong Construction is put upon a Clause in the act for raising the sum of Twenty foure Thousand pounds etc which proves a great hindrance to the receivers in their Collections of the annual Taxes (Viz^t) Be it enacted if any person shall neglect or refuse by the space of three years to pay the sum of Two shillings and Six pence for every hundred of Acres as by this act is directed or if any Land held in this Government shall be concealed by the space of three years and no accompt given to the Clerks as by this act is directed and if it shall happen that there cannot be anything found on the s^d Land where upon to Levy the forfeitures the Justices of the precinct Court where such Land lies shall have full power and authority to sell so much of the s^d Lands as shall satisfy and pay the same

Its there opinion that this Clause is binding til all the publick Bills are Sunke and destroyed and that at the expiration of the three years mentioned in the Clause (altho distress should have been once made) the Lands are still answerable for ensuing Taxes only that in less than three years neglecting or refusing to pay their Taxes distress cannot be made the s^d act in another clause haveing made provissions of Ten shillings fine for every hundred acres of Land concealed.

The proceeding of the Court of Admiralty held at Williamsburg in Virginia March the 12th 1718 being Transmitted from that Government and now laid before this Board by the Governor to whome they were directed wherein there is several depositions taken against Tobias Knight Esq^r Sec^{ty} of this Province with an opinion of the s^d Court that the s^d Tobias Knight is an accessory of Pirates and that the afores^d Depositions given in that Court so farr as they relate to the s^d Tobias Knight be sent into the Governor of North Carolina to the end he may cause the s^d Tobias Knight to be apprehended and proceeded against pursuant to the directions of the Act of Parliament for the more effectual suppressing piracy

Which being duely considered of by this Board they are of opinion that Mr Knight should before any proceedings be had be served with Coppys of all matters relating to him in the Charge from the Government of Verginia and that he attend this Board the next Sitting and bring with him all papers, Orders Depositions or any thing else he may have by him relating to Theache and the Transactions of Cap^t Ellis Brand Len Maynard and all others concerned in that business

Ordered that copys of all the afor^s^d proceeding of the Government of Verg^a be sent to Mr Knight and that time notice be given him of the Councils next sitting

The Petition of Thomas Harding Provost Marshal of Bath County was read.

Ordered that the s^d Harding attend the next Council without fail

Upon Petition of John Duckenfield Shewing that his Brother William Duckenfield pattented some years agoe a Tract of Land Containing 260 Acres lying on the south side of Moratuck river being part of his Land called Warren neck which he has not seated as by Law he ought to doe prays a Lapse pattent may be granted to him for the same.

Ordered that the same be granted.

Upon Petition of William Williamson setting forth that he purchased a Tract of Land of John Smith lying at the flat swamp Containing 250 Acres which has not been seated as the Lawe directs praying a Lapse pattent may be granted him for the same.

Ordered that y^e Same be granted

The Petition of John Cotten was read Shewing that he purchased a Tract of Land of one Thomas Dyal lying at ahotsky containing 640 acres which s^d Land is Lapsable for want of due seating praying a Lapse patent for the same may be granted him

Ordered that the same be granted.

Upon Petition of Thomas Miller and William Willson setting forth that they Jointly bought of Cornelius Kilspatrick a Tract of Land which was Lapsable when they made the purchase not being Seated as the proviso in the pattent directs prays that a Lapse pattent may be granted to them

Ordered that the same be granted as prayd for

Read the Petition of Aron Oliver shewing that William Hooker sold him a Tract of Land containing 500 Acres lying on Wicacone Creek which he had not seated as the proviso in the pattent mentions praying a Lapse pattent for the same

Ordered that the same be granted

Upon petition of John Holbrook Shewing that Lawrence Tesister late of this province died Seized of a Tract of Land Containing one hundred acres adjoining to the Lands of Cary Godley on the West Shore of Chowan and that he hath made no will neither is there any Heires of the said Tessiters to be found praying a Writ of Escheat may Issue to enquire whether the s^d Land doth not Escheat to the Lords prop^{trs} and a pattent may be granted to him for the same

Ordered that a writ of Escheat doe Issue as prayd for

[FROM N. C. LETTER BOOK OF S. P. G.]

MR. TAYLOR TO THE SECRETARY.—(EXTRACT.)

PERQUIMONS PRECINCT

April 23rd 1719.

Hon^d Sir

During my officiating on the South West Shore of Chowan, I preached every Lords day throughout this year, and I would have administered the Lords Supper several times this year, If I could but have had the small number of Communicants, which our Church requires, But I could not truly get this small Number, and therefore I must confess I did not administer it at once, nor do I know when I shall here—The people are so little inclined to receive it which is one thing makes me very weary of living in this place. When I give notice of my intentions to administer the Holy Communion on Easter Day, a Few Lords Days before, a considerable Person after the Public Worship of God was ended, said to me now Mr. Taylor is going to damn his Parishoners, I suppose he said this, because he thought, that they that would receive were very unfit for it, and would Eat and Drink unworthily and so eat and Drink Damnation to themselves, and I must confess it, the People here generally, and almost all of them are very ignorant, and very irreligious; and very worldly wicked, and do very little desire to be better informed, or reformed which is another thing, that makes me weary of living here; yet I hope I may say, I did some good too, this year that officiated in the South West Shore of Chowan, that I promoted knowledge of the best things, and Religion in some there; and persuaded them to be less worldly and Wicked than they were before.

In this year I caused a pretty many of the children to learn our catechism, and catechis'd them, in public, in this year I Baptized one Adult

White Young Woman, and Thirty White Children, and one Adult Negro Young Woman, and one Mustee Young Woman and three Mustee Young Children, in all 36. I hope I took a method with the Negro Young Man, and with the Mustee Young Woman, whom I baptized, which will please the Society, which was this, I made them get our Church Catechism perfectly without Book, and then I took some pains with them to make them understand it, and especially the Baptismal Covenant, and to persuade them, faithfully and constantly to perform the great things they were to promise at their Baptism, and ever after to perform to God: and then I caused them to say the catechise, one Lords Day, and the other another Lord's Day before a large congregation, without Book which they did both distinctly, and so perfectly, that all that heard them admired their saying it so well, and with great satisfaction to myself, I baptized these two persons. These two persons were Esquire Duckenfield's Slaves, (The Gentleman with whom I lived most of this year) & whose house was our church all this year. This gentleman had several other Slaves, who were as sensible and civil, and as much inclined to Christianity and things that are good: as ever I knew any slaves, any slaves in any place, where ever I have been, and indeed, so are the slaves generally in this Province, and many of the slaves of this country I am persuaded would be converted, Baptized and saved, if their Masters were not so wicked as they are, and did not oppose their Conversion, Baptism, and Salvation, so much as they do, I had for some time great hopes of being the Minister that should convert and Baptize the rest of the Esq^r Duckenfield Slaves, which I was very desirous and ambitious to be, and I would have begrudged no pains, but would most freely and with the greatest pleasure have done all I could to promote and accomplish this so great, and so good a work. And in order thereunto I was preparing 4 more of them for Baptism, and had taught one of those 4 their Catechism very perfectly, and the other 3 a good part of it, and now as I was about this good work, the enemies to the conversion and baptism of slaves, industriously and very busily buzzed into the Peoples Ears, that all slaves that were baptized were to be set free, and this silly Buckbear so greatly scared Esq^r Duckenfield, that he told me plainly I should Baptize no more of his slaves 'till the Society had got a Law made in England that no Baptized Slave, should be set free because he is Baptized and send it here, and many more are of the same mind, and so this good work was knocked in the head which is a great trouble to me, because so many slaves are so very desirous to become Christians without

any expectation of being set free when they are Baptized—I fear this good work will not be revived and prosper here till such a Law is enacted by the Parliament of Great Britain and this people are acquainted with it, for I perceive nothing else will satisfy them; This and some other rubs I met with, and the great need of a Church of England Minister, which the interest of the Church of England stood in here, where there are many Quakers, who make it their business to gain as many of our Friends over to them as they can; wherein they have been too successful and leavened some of our people with their Principles and practices too much and especially with anti-Baptism, and many of their children and of themselves too are unbaptized, and used commonly to go to the Quakers Meeting because there was no Public Place of Worship for them to go to. These things were the chief Reasons of my leaving the South West Shore of Chowan and coming here where I hope I shall increase the Interest of the Church of England and cause the Interest of the Quakers to decrease and then I persuade myself that the most excellent Society will not be offended at my removing here——

[FROM THE SPOTSWOOD LETTERS. VOL. II. P. 316.]

May ye 26th, 1719.

To Secretary Craggs:

SIR:

By his Maj'ty's Ship, the Dral-Castle, w'ch arrived here ye — Ins't, I had the hon'r of Yo'r's of ye 24th of Dec'r, w'th the King's Declaration of War against Spain, and the Commission and proclamation mentioned in Yo'r Letter, and in answering thereto, can only beg leave to assure you y't his Maj'ty's Commands shall be punctually Obeyed.

The intimation you are pleased to give me that ye rumors of exacting great Sums on the Surrender of Pyrates is not meant to me, is extreemly obliging, as it serves to make me easy, who have had too much cause given me of late to be otherwise through the Misrepresentations of my Enemys, tho' in this particular I might defy Malice it Self to fault my Conduct, having never received the value of one penny from any of the Pyrates that have either Surrendered or been pardoned here; And tho' there have been 14 or 15 who Surrendered, and had Certificates under the Seal of the Colony, for w'ch the Clerk was allowed to demand five Shillings a piece, yet I am well assured that no more than five paid any thing

at all; And of Seven that have rec'd their pardons, only one has paid the Attorney-Gen'l the common fee he receives for making out the like pardons even for a Condemned Negro, and he, too, was a person of a very notorious Character for his Piracys, and had his Money restored to him after he had been Condemned, because there was no proof of its being piratically taken, but if these common fees to ye Officers are intended by his Maj'ty to be likewise Remitted upon the least Intimation, I shall direct those Officers to dem'd no more.

Having in my last taken Notice of some Goods in the possession of Thach and his Crew of Pyrates in North Carolina, w^{ch} were brought hither by Capt. Brand, of his Maj'ty's Ship, the Lyme, and the other Officers of the Sloops sent for Suppressing that Gang of Villains, I think it necessary now to informe you that these Goods, being proved to be piratically taken by this Thach in a French Ship bound home from Martinico, have, by a Decree of the Court of Vice Admiralty of this Colony, been condemned as such, and being perishable, have been sold at publick Auction the produce whereof in ye same Species for w^{ch} it was sold, amounts to 447 ounces penny weight of Spanish Gold, w^{ch} is of Virg'a Currency, £2,238; and is ready to be paid, after the necessary Charges of Transportation from Carolina, and of the Storage and Sale, are deducted, to the Owners, if they claim the same, or to whomsoever his Maj'ty shall appoint. But, it's fit also to Represent to you that notwithstanding the Govern'm't of No. Carolina admitted Thach and his Crew to make Oath that this French Ship and Cargo, which he brought in thither, was found by him as a Wreck at Sea, without Men or Papers, tho' the same Government suffered these Effects to continue for some months in the possession of these Pyrats, and tho', after Thach was killed and his whole Crew subdued, the Effects, w^{ch} had been Landed by Thach, were, by Order of the Governor of No. Carolina, voluntarily delivered up to Capt. Brand, Yet a pretension has been set up by that Government to have the whole of these Effects delivered up to them, as of right belonging to the Lords Proprietors, being once upon their Soil. At first they only claimed them as Wreck, but when it plainly appeared that they were not Wreck, but piratically taken, then the Gov'r claimed a Right of having those Goods Tryed and Condemned within that Province, and after the Court of Vice Admiralty was proceeding legally on the Condemnation thereof, a Plea was put into the Jurisdiction of that Court, and it was insisted that these Goods ought to be returned back to No. Carolina to be Try'd and adjudged there. And when that Plea was over ruled, Captain Brand is then threatened to be prosecuted in England for a Tres-

pass on the Lords Proprietors Lands. And, w^{ch} is yet more surprizing, there are some in y^t Government y^t endeavour to justify Thach and his Crew as very honest men, and to condemn the Officers and Men belonging to the King's Ships as Murderers for attacking and subduing them, When it is notorious that after they surrendered in y^t Province, and rec^d the benefit of his Maj^{ty}'s Mercy, they went out again on the same piratical design, not without the privy of some in principal Stations in that Gov^t; took this very Ship after the date of his Maj^{ty}'s second pardon, and committed other Acts of piracy, even within that province, and at last fought against the King's colours, and would not surrender when they were told they should be treated as Friends. Seeing, therefore, Capt. Brand is like to be troubled in England for the greater part of these Effects w^{ch} were Landed in Carolina, I have caused the whole produce to be remitted into England, that in case he should be condemn'd to pay ye same to the Lords proprietors, it may be ready for that purpose. But I am confident, when his Maj^{ty} is truly informed how little ground there is for such a prosecution against a Gent. who has done nothing but his Duty, being sent hither for the very intent of destroying pirats, His Maj^{ty} will be pleased to grant him his protection. And tho' I am Credibly inform'd that Affidavits are taken in No. Carolina to contradict what has been plainly proved here upon the Tryal of the pirats, and to prove that Capt. Brand took away these piratical Effects by force, I hope the Lords proprietors themselves w^{ll} give little Credit to such Clandestine Testimonials when they shall know how dark apart some of their Officers have acted, particularly one who enjoyed the post of Secretary Chief Justice, one of their Lord^p's Deputys and Collector of the Customs held a private Correspondence wth Thach, concealed a Robbery he committed in that province, and received and concealed a considerable part of the Cargo of this very ffrrench Ship w^{ch} he knew Thach had no Right to give or he to receive, admitting ye same had been Wrecked Goods as was pretended. But it would be too tedious to relate how many favourers of Pirats there are in these parts, and even in this Colony had they power equal to their Inclination. People are easily led to favour these Pests of Mankind when they have hopes of Sharing in their ill-gotten Wealth. I have had the Experience how little some are able to bear being abridged of their profite, from what vile means soever it comes, having raised up a very industrious and implacable Enemy by reprimanding a prime Lawyer here for prosecuting an unjust Action in behalf of a notorious pirat who was condemn'd and owed his Life only to the seasonable Arrival of his Maj^{ty}'s second

gracious pardon. I will not hear trouble you wth anything relating to the Accusation of the Burg's against my Self since I have also sent Copys of the Addresses of 21 Countys out of the 25 in this Colony, as also of the Clergy and Grand Jury disavowing all that proceeding of their pretended Representatives. As that of the Grand Jury is to his Maj'ty, I have transmitted it to my Lord Orkney, not doubting his Lo^p w^{ll} use your Advice and assist in the presenting it, And I hope these publick Testimonys of my Administration will serve to Balla. the rash Accusation of a small part of the Burg's's, and preserve me a place in y^r good opinion and protection, w^{ch} I shall ever acknowledge wth the Gratitude y^t becomes me, being with the greatest respect,

S^r, y^{rs}, &c.

[FROM THE SPOTSWOOD LETTERS. VOL. II. P. 323.]

May y^e 26th 1719

To the Lords of Trade:

My Lords:

* * * * *

Having by my former Letter advised Your Lord'ps that Sundry Effects, piratically taken by one Thatch and his Crew, were siezed and brought hither from No. Carolina, I am now to Inform Yo^r Lord'ps that the same has been condemned by the Courts of Vice Admiralty, And, consisting of Sugar, Cocoa and other perishable Commoditys, have been sold at publick Auction, And because there is like to be some Controversy about the Property of those Goods, I have caused an Acco't to be taken of ye produce in the same Species as the Goods were sold for, which amount to four hundred and forty seven Ounces — penny weight of Spanish, French and Portugal Gold, and at £5 ⁷/₈ Ounce is, in the Currency of this Country, £2,238—out of w^{ch} is to be deducted the Charges of recovering ye s^d Effects out of the hands of the Pyrats, the Transportation from Carolina, the Storage and Expence of the Sale. As to the Right of these Effects, it appearing that the same were taken Piratically by Thach in a French Ship w^{ch} he met to the Eastward of Bermuda on the 22nd of August last, and bro't in wth him to No. Carolina where he burnt ye Ship, If the Owners make out their property, the produce must be paid to them according to his Maj'ty's Treatys allowing a usual Salvage to those who rescued them from ye Pyrats. If no Claimer appears and that the same comes to the King, no doubt his Majesty w^{ll}

think fit to rew'd the Officers of his Ships and others Concerned in so considerable a Service as the destroying that Crew of Pirats. But there is an unexpected pretension set up for these Pyratical Effects by the Gov't of No. Carolina as being taken within the Seas of the Soil of the Lords Proprietors, by Capt. Brand, of his Maj'ty's Ship, the Lynce, and the Officers of the Sloop sent against Thach. What title that Gov't has to Support the Claim, they have not thought fit to discover, but when the Goods were under the Tryal of the Court of Vice Admiralty here, a Plea to the Jurisdiction of y't Court was put in by that Government's Attorney here, and after that was overruled, and the Goods appointed to be sold, and the Money Lodged in my hands pursuant to the King's Instructions, Capt. Brand is then Threatened to be sued in England for a Trespas on the Lords Proprietors' Lands and made accountable for all he had taken there out of the possession of the Pirats. This has obliged me to Cause the produce of these Effects to be remitted to England; that if Capt. Brand should be troubled there, and the money recovered by the Proprietors of Carolina, he may have it there to pay rather than suffer in his private Estate till he could have the money remitted from hence; And this I could not, in Justice, deny to a Gent. who had show'd a particular Zeal and Diligence in Exterpating that Nest of Pirats, but, at the same time, if no such recovery shall be had by the Proprietors of Carolina, the money will be secured according to his Maj'ty's Instructions, and w'll always be ready to be Answered to whomsoever it belongs.

It is surprizing that the Government of No. Carolina should now Claim the property in these Piratical Effects, when it fully appeared that they submitted Thach and his Crew to make Oath that the Ship and Goods were found by him as a Wreck at Sea; that they suffered the said Goods to remain in the possession of that piratical Crew for divers months, untill Thach was destroyed, And then the Goods were delivered to Capt. Brand, (out of the Store-houses where Thach had Lodged them,) by the Gov'r of No. Carolina's Orders, but this Conduct of theirs w'll be easily unriddled when it appears that some in Chief Stations there have had too much Correspondence w'th those Pirates, particularly one who held the office of Secretary Chief Justice, one of the Council, and Collector of the Customs, appears to have been privy to one Piracy of Thach's committed in that very Province, and can hardly be supposed ignorant of the Piratical taking of the French Ship, when he received and Concealed a considerable part of her Cargo; and if he did believe her to be a Wreck, as Thach pretended, he must know that Thach had no Right to give, nor he to receive other Men's Goods, w'ch ought to

have been secured as the Law directs. Since the Sale of these Goods, Mr. Grymes, the Dep'y Auditor, has Claimed a Right to Audit the Acco'ts and to have 5 £ C't. for his Trouble. I told him he might, when he pleases, have the inspection of the Accompts, y't nothing might be Charged therein but what was fit and usual, but that the property was not yet determin'd, it would be but ill Management if the Owners had the money, to allow him a Salary for examining the Acco'ts of their proper Estates, and if the Proprietors of Carolina should recover it, I doubted whether they would allow him that proffit, but if it came to the King, his Maj'ty might give him what he thought fit for his trouble; but being uncertain of receiving any profite, he has troubled himself no farther. Having now laid before Yo'r Lo'ps all that I judge of Consequence in the publick Transactions of the Gov'nm't, I have only to add that the Colony continues in Peace on its Frontiers and flourishing in its Trade, and except among a few MaleContents, impatient to see the Effect of Disturbances they have been fomenting, I believe none of his Majesty's Dominions enjoy a more perfect Tranquility.

My Lords, &c.

[B. P. R. O. B. T. VIRGINIA. VOL. 15. P. 215.—EXTRACT.]

LIEUT: GOV: SPOTSWOOD TO LORDS OF TRADE.

VIRGINIA May 26th 1719.

My Lords.

* * * * *

Having by my former Letters advised your Lordships that sundry Effects Piratically taken by one Thack and his were seized and brought hither from North Carolina I am now to inform your Lordships that the same have been condemned by the Court of Admiralty and consisting of sugar Cocoa and other perishable Commodities have been sold at Publick Auction: and because there are like to be some controversy about the Property of those Goods, I have caused an account to be taken of the produce in the Same Species as the Goods were sold for, which amounts to Four hundred forty nine ounces 11 penny weight of Spanish French & Portugal Gold and at £5 £ Ounce in the currency of this Country £2247 19 4 out of which is to be deducted the Charges of recovering the said Effects out of the hands of the Pyrates, the transportation

from Carolina the storage and expense of the Sale. As to the right to this Effects it appearing that the same were taken piratically by Thach in a french ship which he mett with to the Eastward of Bermuda on the 22nd of August last, and brought in with him to North Carolina, where he burnt the ship, if the Owners make out their Property, the produce must be paid to them according to his Majesties Treatys allowing the usual salvage to those who rescued them from the Pirates. If no Claims appears and that the same comes to the King, no doubt his Majesty will think fitt to reward the Officers of his ships and others concerned in so considerable a service as the destroying that Crew of Pirates But there is an unexpected pretention set up for these Piraticall Effects by the Government of North Carolina as being taken within the Seas and off the soil of the Lords Proprietors by Captain Brand of his Majesties ship the Lyme and the Officers of the sloop sent against Thach; what Title that Government hath to support this claim they have not thought fitt to discover, but when the Goods were under the Tryall of the Court of Vice Admiralty here a plea to the Jurisdiction of that Court was put in by that Governments Attorney here and after that was overruled and the Goods appointed to be sold and the money lodged in my hands pursuant to the Kings Instructions. Captain Brand is then threatened to be sued in England for a Trespass on the Lords Proprietors lands and made accountable for all he had taken there out of the possession of the Pyrates. This has obliged me to cause the produce of these Effects to be remitted to England, that if Captain Brand should be troubled there and the money recovered by the Proprietors of Carolina he may have it there to pay rather than suffer in his private Estate till he could have the money remitted from hence: and this I could not in justice deny to a gentleman who has showed a particular zeal & diligence in extirpating that nest of Pirates but at the same time if no such recovery shall be had by the Proprietors of Carolina the money will be secured according to his Majesties Instructions and will always be ready to be answered to whomsoever it belongs

It is surprizing that the Government of North Carolina should now claim the Property in these Piratical Effects when it hath fully appeared that they admitted Thacke and his Crew to make Oath that the ship and Goods were found by him at a Wreck at Sea, that they suffered the said Goods to remain in the possession of the Piratical Crew for divers months untill Thacke was destroyed and then the Goods were delivered to Captain Brand (out of the storehouse where Thack had lodged them) by the Governor of North Carolina's orders but this conduct of theirs will be

easily unriddled when it appears that some in Chief Stations have had to much Correspondence with those Pyrates, particularly one who held the offices of Secretary Chief Justice one of the Councill and Collector of the Customes appears to have been privy to one Piracy of Thache's committed in that very Province & can hardly be supposed ignorant of the Piratical taking of the French ship when he received and concealed a considerable part of her Cargo and if he did believe her to be a Wreck as Thach pretended he must know that Thack had no right to give nor he to receive other mens Goods which ought to have been secured as the law directs.

Since the sale of these Goods Mr Grymes the Deputy Auditor has claimed a Right to audit the Accounts and to have 5 ⁷/₈ cent for his trouble I told him he might when he pleased have the Inspection of the Accompts to see that no thing was charged therein but what was fit and usual, but as the Property was not yet determined it would be but ill management if the Owners had the money to allow him a Salary for examining the accompts of their proper Estate and if the Proprietors of Carolina should recover it I doubted whether they would allow him that Profit but if it came to the King his Majesty might give him what he thought fitt for his trouble but being uncertain of receiving any profit he has troubled himself no further.

Having now laid before your Lordships all that I judge of consequence in the publick Transactions of the Government I have only to add that the Colony continues in Peace on its Frontiers, and flourishing in its Trade and except among a few Malecontents impatient to see the Effect of Disturbances they have been fomenting I believe none of his Majesties Dominions enjoys a more perfect Tranquility

I am with all duty and respect

My Lords

Your Lordships

most obedient

Humble servant

A. SPOTSWOOD.

(Endorsed)

Rec^d July 9th 1719

Read June 15th 1720.

[COUNCIL JOURNAL.]

NORTH CAROLINA ss

At a Council held at the House of ffred Jones Esq^r May 27th 1719

Present the Honble Charles Eden Esq^r Governor Cap^t General & Admiral

Thomas Pollock	} Esq ^r Lds prop ^{trs} Deputys
William Reed	
ffra ffoster	
ffred Jones	
Rich ^d Sanderson	

In pursuant of an order of Council dated April the 4 1719 Tobias Knight Esq^r Sec^{ry} of this province and a member of the Council attended this Board to make answer to the several Depositions and other Evidences mentioned in the afor^d order which s^d Depositions and Evidences were read in the following words Copy of several Depositions and other Evidences given before the Court of Admiralty Constituted by Commission under the Great Seal for hearing and determining Piracy for the Colony of Verginia the 12th day of March 1718 for the tryal of James Blake, Alias Jemmy and other pirates late of the Crew of Edward Thache late master of the sloop Adventure Comand by Edward Thache being sworn and Examined Deposed that he was on Board the s^d Sloop Adventure at the takeing of Two ffrench Ships in the month of August last past and that all the prisoners at the Barr were on Board the Said Sloop and bore armes under Thache at the time of the s^d Piracy That Thache plundered one of the ships of some Cocoa and the other brought in with him to North Carolina haveing first put her Crew on Board the ship first mentioned that soone after Thache's arrival at Oca-cock Inlet he went in a periangor with foure of the prisoners by name Rich^d Stiles James Blake James White and Thomas Gates to M^r Tobias Knight Sec^{ry} of North Carolina carrying with him a present of Chocolate Loaf Sugar and Sweet meats being part of what was taken on Board the ffrench ships above mentioned and that upon Thaches return from M^r Knight the Deponant Sawe divers goods brought in the pariangor which Thache s^d he bought in the Country but the Deponant afterwards hearing that one William Bell had been robbed and understanding as well by common report as by discourse with s^d Bell what kind of Goods he had been robbed of the Deponant knew them to be the same which Thache had brought on board his sloop but durst not discover to the s^d Bell who had robbed him

The four prisoners being asked whether they knew of the robbery of Bells Periangor acknowlegeth that the Same time in September they went from Oacock in a periangor with Edward Thache to the house of Tobias Knight Sec^{ry} of North Carolina and carried in the said periangor three or foure Caggs of Sweet meets Some Loaf Sugar a bagg of Chocolate and Some boxes the Contents of which they did not know that they got to the s^d Knight house about Twelve or one a Clock in the Night and carried up the caggs and boxes afs^d which were all left there except one cagg of Sweet meets which was carried back in the periangor that the s^d Knight was then at home and the s^d Thache staid with him fil about an hour before the break of day and then departed that about three miles from the s^d Knights house at a place called Chesters landing they saw a periangor lying near the shore upon which Thache ordered them to rowe up towards her saying he would goe a shore to Chesters house but when he came up with the said periangor (in which were a white man a boy and an Indian) Thache asked them for a dram and immediately Jumped into the periangor and after some dispute plundered her carying away with him some money one cask of pipes a Cask of rum or Brandy Some Linen and other things and then the s^d Thache Comanded the s^d prisoners to rowe away for Oacock Inlet instead of going a shore at Chesters as he at first gave out he intended.

William Bell of the precinct of Corratuck being sworne and Examined deposeth that being on Board his periangor at the Landing of John Chester in Pamticough river in North Carolina in the night of the 14th of September last a large periangor passed by standing up the river that a litle before break of day the same periangor returned and rowed on Board the deponant That a whiteman that he since understands was Edward Thache entered the deponants periangor and asked him if he had anything to drink to which the depon^t answered it was so dark he could not well see to drawe any whereupon the s^d Thache called for sword which was handed him from his owne periangor and Commanded the deponant to put his hands behind him in order to be tyed Swearing Damnation seize him he would kill the deponant if he did not tell him truly where the money was. That the deponant asked him who he was and whence he came to which the s^d Thache replied he came from Hell and he would carry him presently That the Deponant laid hold of the s^d Thache and struggled with him upon which he called to his men to come on Board to his assistance and they came and laid hold on the deponant his son and an Indian he had with him then the s^d Thache demanded his pistols and the deponant telling him they were locked up in his chest he

was goeing to break it open but the deponant intreated him not to doe soe for he would open it but tho he permitted the deponant to unlock the Chest he would not suffer him to put his hands therein but took the pistols out himself that the s^d Thache having got the deponants periangor out into the midle of the river rifled her took away £66 10^s in Cash one peice of Crape Containing 58 yards a box of pipes half a barrel of Brandy and Several other goods the perticulars are mentioned in an account the deponant now delivered into court that perticularly the deponant was robbed of a silver cup of remarkeable ffashion being made to screw in the midle the upper part resembling a Chalice the Lower a Tumbler which cup the deponant is informed has been found on Board Thaches Sloop that when the s^d Thache and his Crew had taken what they thought fit from the deponant they tossed his sail and oares overboard and so rowed downe the river That the s^d Thache in Beating the deponant broke his sword about a Quarter of a yard from the point which broken peice of the sword the deponant found in the periangor and now produces in Court and the deponant Verily beleave Thache had intelligence of his haveing money otherwise he woud have passed by in returneing from as he did in goeing to M^r Knight without concerneing himself with the periangor and the deponant further saith that within Two hours after he had been thus robbed he went to complaine to the Governor of North Carolina who sent him to M^r Knight then Chief Justice upon which the s^d Knight gave him the Warrant or hue & Cry which he now produces in Court and that notwithstanding the deponant did particularly discribe the periangor and the men by whome he was thus robbed and did repeat as near as he could the Language the white-man used to the deponant and declared that the other foure were Negroes or White men disguised as such and that the s^d periangor had passed by the same night toward his house or Bath Towne yet the s^d Knight did not discover to the deponant that any such periangor had been at his house or that he knew of Thaches being in the Country

Then was produced a Letter from the afornamed Tobias Knight directed to Cap^t Edward Thache on Board his sloop adventure which Letter was proved to have been found among Thaches papers After his death and by comparrison of the hand with other papers appears to be the writeing of the s^d Tobias Knight which s^d Letter was read and is as fol-lowers

Nov^r 17th 1718

My ffriend

If this finds you yet in harbour I would have you make the best of your way up as soon as possible your affairs will let you I have some-

thing more to say to you than at present I can write the bearer will tell you the end of our Indian Warr and Ganet can tell you in part what I have to say to you so referr you in some measure to him

I really think these three men are heartily sorry at their difference with you and will be very willing to ask your pardon if I may advise be ffriends again, its better than falling out among your selves

I expect the Governor this night or tomorrow who I believe would be likewise glad to see you before you goe, I have not time to add save my hearty respects to you and am your real ffreind

And Servant

T. KNIGHT

After Captain Ellis Brand Commander of his Majesty ship the Lune declared that having recd Information of Twenty Barrels of sugar and Two baggs of Cotten lodged by Edward Thache at the house of Tobias Knight he asked the s^d Knight for those goods they being part of the Cargoe piraticaly taken in the ffrench Ship and that the s^d Knight with many asserverations positively denyed that any such goods were about his plantation but yet the next day when he the s^d Cap^t Brand urged the matter home to him and told him of the proofs he could bring as well by the persons concerned in Landing the s^d goods as by a Mem^{dm} in Thaches pocket Book he the s^d Knight owned the whole matter and the piratical Goods afis^d were found in his Barn covered over with fodder

At a Court of Admiralty Continued and held at the Capital the 13th day of March 1718 Whereas it has appeared to this Court M^r Tobias Knight Sec^{ry} of North Carolina hath given Just Cause to suspect his being privy to the Piracys comitted by Edward Thache and his Crew and hath recieved and Concealed the Effects by them piratically taken whereby he is become an accessary

Its therefore the opinion of this Court that a copy of the Evidence given to this Court so farr as they relate to the s^d Tobias Knight's Behaviour be Transmitted to the Governor of North Carolina to the end he may cause the said Tobias Knight to be apprehended and proceeded against pursuant to the directions of the Act of Parliament for the more effectual suppression of Piracy

And then the s^d Tobias Knight did remonstrate to this Board in answer thereto as followeth

NORTH CAROLINA

To the Hon^{ble} Charles Eden Esq^r Gov^r and the rest of the member of the Hon^{ble} the Council now sitting

The Humble remonstrance of Tobias Knight Esq^r Secretary of this province and a member of this Board in answer to the several Depositions and other pretended Evidences taken against him at a Court of admiralty holden at the Capital of Verginia the 12th day of March 1718 First the s^d Tobias Knight doth averr and doubt not to make it Evidently appeare that he is not in any wise howsoever guilty of the least of those Crimes which are so Slyly maliciously and falsely suggested and insinuated against him by the s^d pretended Evidence the which to make more apparent to your Honours the s^d Tobias Knight doth pray your Honours first to Consider as to the Evidence themselves they being such as Contradict themselves or as ought not to be taken in any Court of Record or else where against the s^d Tobias Knight or any other white man for first Hesikia hands master of Cap^t Thaches Sloop Adventure seems to sweare possitively in his Deposition that the s^d Thache went from Ocacoeh Inlet at his returne into this Country from his last voyage with a present to the s^d Tobias Knights house when by the same deposition he acknowledgth that to be out of the reach of his knowledge he being all the time at the s^d Inlet which lyes at above thirty leagues distance from his house and further the s^d Tobias Knight doth pray your Honours to observe that the afor^d Hesikias hands was (as he has been well informed) for some time before the giving of the s^d Evidence kept in prison under the Terrors of Death a most severe prosecution and that there doth apparently appeare thro' out the whole Evidence more of Art mallice and designe against the s^d Tobias Knight then truth secondly as to the four next Evidence pretended to be given against the s^d Tobias Knight under the name and pretext of foure of Cap^t Thaches men is utterly false and such as the s^d Tobias Knight humbly conceives ought not to be taken against him for that they are (tho cunningly couched under the names of Christians) no other the four Negro Slaves which by the Laws and customs of all America Aught not to be Examined as Evidence neither is their Evidence of any Validity against any White person whatsoever and further that the s^d Negroes at the time of their giving the pretended Evidence afs^d (as the s^d Tobias Knight is informed) was upon Tryal for their own lives for the supposed piracy by them Committed on Board the s^d Thache and that what they did then say was in hopes of Obtaining mercy tho' they were then Condemned and since Executed so that had they been never so Lawfull Evidences the s^d Tobias Knights debarred from his right and benifit of an Examination of them.

Thirdly as to the Deposition of W^m Bell I shall only observe to your Honours that there is nothing in it can Effect the s^d Tobias Knight save that it is therein cunningly Suggested that Edward Thache was at the s^d Tobias Knight house that night in which he was robbed which the s^d Tobias Knight has good reason to believe was rather an Artfull and malicious designe of those that drew the s^d Depositions for that had it been true it was Impossible to have been within the reach of his knowledge and besides the s^d Bell upon his Examination the day after he was robbed had in Suspission one Smith Undey Fiteing Dick and others and hath since the date of that Deposition Viz^t on or about y^e 25 of April last past declared that he doth verily believe that the s^d Thache never was at that time at the s^d Tobias Knights house for the truth of which the s^d Tobias Knight doth humbly refer to the Examination and Depositions of M^r Edmund Chamberlain

Fourthly as to the pretended Evidence of Cap^t Ellis Brand the s^d Tobias Knight doth humbly conceive the same ought not to Effect him for had it been true it had and ought to have been upon Oath which is not tho' the s^d Tobias Knight doth in the most Solemn manner declare that the s^d pretended Evidence is every word false and that the said Brand never did at any time speak one word or mention to the said Knight in any manner whatsoever touching or concerning the sugar mentioned in the said Evidence before the s^d Knight first mentioned them to him neither was the s^d sugar ever denyed by the s^d Tobias Knight to be in his Custody for the truth of which he humbly refers to the Honble the Governor but further Saith that when the s^d Tobias Knight was apprised that the s^d Brand had been informed that the s^d Sugars had been conveingly put on shore for the s^d Knights use and that there might be found in his Custody Several other things of value belonging to the s^d Thache and that the s^d Brand did intend to send his people to search his the s^d Knight house he did then speak himself to the s^d Brand and did acquaint him truly how and for what reason the s^d sugars was there Lodged Viz^t at the request of the s^d Thache only till a more Convenient store could be procured by the Gov^r for the whole with assurance that the s^d Tobias Knight never did p^rtend any Claim or right to any part thereof and did also at the same time desire the s^d Brand if he had any other informations against him he would be so civel as either to come himself or send his Lieut to his house and every lock in his house should be opened to him which he only replied that tho' he had some spightfull things insinuated to him by Evil minded persons whose names he need not mention intimating M^r Maurice Moore Jerimiah Veal and others of that family

yet he had more Honour than to do any such thing for that ever Since his coming into this Government he had found nothing in the s^d Tobias Knights but a great deal of readiness to assist him in the service of the Crowne very much becoming a Gent and one in his post which Character he should give of him in Verginia in opposition to all the false and malicious storys there suggested against him or words to the same Effect fifthly as to the Letter that was said to be found of the s^d Tobias Knights writeing on Board the s^d Thache Sloop the s^d Knight doth beleive to be true for that he did write such a Letter by the Governors orders he having advised him by Letters that he had some earnest business with the s^d Thache but he doth utterly deny that there was any evil intent in the writeing the s^d Letter but that he did verily believe at the Same time that the said Thach was as free a Subject of our Lord the King as any person in this Government and the s^d Tobias Knight doth further say in his owne Justification that when the s^d Thache and his Crew first came into this Government and Surrendered themselves pursuant to his Majestys Proclamation of indemnity the said Tobias Knight then was and for a long time had been confined to his bed by sickness and that dureing his whole stay in this Government he never was able to goe off from his owne plantation nor did either the s^d Thache or any of his crew frequent the s^d Knights house unless when they had business at his Office as Secretary or Collector of the Kings Customs neither did the s^d Tobias Knight or any of his family contract any acquaintance with the s^d Thache or any of his crew nor did deal buy or Sell any with or of any of them dureing their whole stay Save only Two Negroe men which the s^d Knight purchased from Two men who had left the s^d Thache and had rece'd their pardons and since are gone Lawfully out of this Government and Stil Continue in their good Alegiance and the s^d Tobias Knight doth aver for Truth that from the time the s^d Thache tooke his departure from this Government bound to St Thomas's he did never See the s^d Thache or any of his people until on or about the 24th of September last past when he came and reported to the Governo^r that he had brought a wreck into this Government and perticularly that the s^d Thache was not to the s^d Knight knowledge nor to the knowledge of any of his family at or near his house on or about the 14th day of September last past as is most falsely suggested in the afs^d Evidence given against him in Verginia for the Truth whereof he refers himself to the Examination and Deposition of Mr Edmund Chamberlaine afores^d all which is most humbly Submitted by

Your Honours Most Dutifull and
Most obedient Servant

T KNIGHT.

Then Mr Edmnd Chamberlaine was Examined and his Deposition was read & sworne to before this Board in the following words

NORTH CAROLINA SS

The Deposition of Edmund Chamberlaine Gent taken upon his Examination before the Hon^{ble} the Governor and Council at a Council Board holden in Chowan the 27th day of May 1719 who being sworne on the Holy Evangelist saith

That he this Deponant hath been for some considerable time past viz^t ever since the Later end of August last past to this time a liver at the house of Tobias Knight Esq^r in Bath County and that perticularly on or about the 14th of September last past and for several days before and Since he never was absent from the s^d Tobias Knight house either by night or by day nor was there any passages or Occurances as this Deponant verily believes kept secret or unknowne to him and further saith that this Deponant did never see Cap^t Edward Thache nor any of his Crew neither was any of them to his knowledge at the s^d Tobias Knights House either by night or by day until on or about the 24th day of the s^d last September when as this Deponant is informed he came up to the Governor and reported to him that he had brought a wreck into this Government and this Depon^t doth verily believe that if the said Tache or his Crew had come to the s^d Tobias Knights at any time either by night or by day before that time and especially on or about the 14th of September the s^d Deponant must and would have seen them, because at the time there was an Alarme of the Heathen falling upon us and this Deponant was at that time and upon that accompt very watchfull and apprehensive of every thing that stired about the s^d house and the s^d Tobias Knight was also at that time in so ill a state of health that this Deponant verily believes he could not possibly have gone out of his house to have had such communication with any person as in the s^d pretended Evidence is Suggested without manifest danger and hazard of his life neither doth this deponant believe it was possible for the s^d Tobias Knight to have had such Communication with any person either within or without his s^d house without his knowledge for that his lodging roome was so near to this deponant that he must have knowne thereof and this deponant further saith that he was at the s^d Tobias Knights House on the 14th of September when William Bell came and complained that he was robbed and desired a Hue & Cry from the s^d Tobias Knight and did hear the s^d Tobias Knight Examine the s^d Bell whether he would describe the persons to him that robbed him to which the s^d Bell replied he could not but said he did violently suspect one Thomas Undey and one Rich^d

Snelling commonly called Fitory Dick to be Two of them and the others to be negroes or white men disguised like Negroes Some time afterwards he came again to the s^d Tobias Knights and had in suspission one William Smith and others and the deponant further saith that he never did see or know of any presents of any kind to the s^d Tobias Knight nor any of his family from the s^d Thache nor any of his Crew since his being at the s^d Tobias Knights house save only one Gun of about forty shilling value and this Deponant further saith that sometime on or about the 25th of April last he the deponant had discourse with W^m Bell of Corratuck Merchant concerning his being robbed of some money and Goods in Pamlicough on or about the 14th day of September last past by Cap^t Edward Thache and amongst other things he this Deponant did aske the s^d Bell whether he thought the s^d Thache was at the s^d Tobias Knights house that night he was robbed or whether he thought he knew any thing of it. To which the s^d Bell replied that the s^d Tobias Knight was a very Civil Gent and his wife a very Civil Gentlewoman and did not think or believe that the s^d Thache was there or that he knew any thing of the matter or words to that Effect

EDMUND CHAMBERLAYNE

And this Board haveing taken the whole into their Serious Consideration and it appearing to them that the foure Evidences called by the names of James Blake Rich^d Stiles James White and Thomas Gates were actually no other then foure negroe Slaves and since Executed as in the remonstrances is set forth and that the other Evidences so far as it relate to the s^d Tobias Knight are false and malicious and that he hath behaved himself in that and all other affairs wherein he hath been intrusted as becomes a good and faithful Officer and thereupon it is the opinion of this Board that he is not guilty and ought to be acquitted of the s^d Crimes and every of them laid to his charge as afors^d

Upon motion of Co^{ll} ffred Jones shewing that there is a violent presumption that the will of Cap^t Thomas Lee dec^d is destroyed or Concealed and haveing in his life time often declare that his Dependance, was only upon the s^d Co^{ll} Jones in case he should dye to take care of his Children and Affairs and that he had appointed him an Executor to his will praying that this Board would grant Citations directed to M^{rs} Mary Lee Widow M^r William John Edwards or any others he may think necessary to have Examined tuching the the will of the s^d Lee in order that the Children may not be defrauded of their Just rights and this Board haveing Considered of the same doe order Citations to go out according to the prayer of the s^d ffred Jones and that the persons concerned attend the sitting of the next Board.

[B. P. R. O. N. C. B. T. JOURNALS. VOL. 7. P. 130.]

July Y^e 31st 1719

Present

M^r Ashley for Lord Carteret Palatin

M^r Ashley

Sir John Colleton

M^r Danson.

M^r Duckingfield appear'd and desir'd to be made Secretary of North Carolina M^r Knight the Secretary being very ill

Order'd that the said Duckingfield be minuted to be made Secretary when the Lords shall be informed that M^r Knight is dead, he giving security for the due execution of his office.

[N. B. Here follow eighteen blank pages, and therefore no entry of proceedings at the Board of the Lords Proprietors of Carolina from 31 July 1719 to the 21st of Jan^{ry} 1724-5. W. N. S.]

[B. P. R. O. PLANT. GEN. B. T. VOL. IX. K. 160.]

A MEMORIAL RELATING UNTO THE PROVINCE OF
CAROLANA AND THE ADJACENT PARTS BELONG-
ING TO THE ENGLISH HUMBLY PRESENT-
ED TO THE LORDS COMMISS^{rs} FOR
TRADE & PLANTATIONS

[August 1719.]

I believe there will be great difficulties in a Treaty between us and the French about settling the bounderies of our English Collonies upon the Continent of North America and those of the French particularly the Province of Carolana of which they seem very fond having already made some settlements and are preparing to make more & greater But I aprehend I have found an Expedient beyond all just exceptions which I hope may prove satisfactory unto both parties The River Mis-chacebe by them stiled Messisipy runs through the middle of this Province and the land on the west side rather larger then that on the east and it hath been very long generally believed that the western side abounds most

with gold and silver bordering upon those belonging to Mexico in which are the richest mines belonging to the Spaniards in North America My Proposal is that we should abandon above half the Province totally and finally to the French which is on the west side of the great river and retain unto ourself all that on the east side all the rivers whereof proceed from our Collonies of Carolina, Virginia Maryland Pensylvania and New York And that all the Land on the east side of the river to the river of the Illinoneeks by them called the river of the Illinois unto the head thereof & five or six leagues farther unto the Lake of the Illinois and thence South to the North Border of Carolana may be adjudged to belong unto the English it being purchas'd of the Indians and much more in the begining of King James the second his reign by Governor Dungun after Earl of Lymerick which is recorded in the Plantation Office and that the navigation of the river of the Illonois should be free to the English into & from the great river & from thence down the river unto the sea And because it may be supposed that the French will not willingly abandon their settlements on the west side of the river that they may be allowed to keep them they not being prejudiciall unto the English plantations being 200 miles remote from any great river coming out of our plantations—Conditionally the French plant no more upon the east side of the great river within the bounds above mentioned All which will be manifest unto your Lordships from a strict view of the Map I had the honour to leave with Your Lordships

[COUNCIL JOURNAL.]

At a council held at the Towne in Matecomack Creek on Tuesday the 10th of November 1719

Present the Hon^{ble} Charles Eden Esq^r Governor

Thos Pollock	} Esq ^r Lds prop ^{trs} Deputys
William Reed	
Fred Jones	
Rich Sanderson	

The Hon^{ble} the Governor haveing put the Question whether M^r Edward Moseley should have Liberty to speak of any matters now lying before the Council that he was concerned in as an attorney before the sentence passed upon him by the General Court

Resolved that he may speak to such matters in Council only and to no others in any Court of this Government til the time limited in the sentence is Expired

The Petition of Thomas Swan was read praying that Richard Sanderson a member of this Board might be cited to appear the next Council and produce to the Board all Will that he may have by him made by the s^d Sandersons late Father Richard Sanderson Esq^r that the Petitioner might have Letters thereon in behalfe of his wife Deced who was widowe to the afors^d Richard Sanderson Deced. which appearing to this Board to be only Troublesome and vexatious

Ordered that the same be rejected

Read the Petition of Thomas West Shewing that William Redit obtained a pattent about four years since for a Tract of Land lying on Moratuck which is not seated and planted as the Lawe requires praying a Lapse patent might be granted him for the same

Ordered that the same be granted as prayed for

Read the Petition of Joseph Sanders praying that a Lapse Patent might be granted him for three hundred acres of Land formerly granted to Henry Gibson and by him Elapsed for not Seateing and planting the same

Ordered that the same be granted as prayd for

The Petition of Henry Lisle was read Shewing that he purchased a Tract of Land of Richard Lewis containing Two hundred and Seaventy acres which Land being Lapsable for want of Seating and planting the petitioner prays a Lapse patent for the same be granted him

Ordered that the same be granted as pray'd

Read the petition of Ann Willson Shewing that her late husband purchased of John Early a Tract of Land containing five hundred Acres lying in Chinkapin Neck which Land being Lapsable for want of due seating and planting the petition prays a Lapse patent for the same.

Whereupon this Board made an enquiry whether the s^d Willson Decd left no Children and being Satisfied that there was both Sons and Daughters

Ordered that the same be granted to Willsons Heirs

The Petition of John Heringtons being read praying that a lapse patent might be granted to him for Two hundred and thirty Acres of Land lying on the south shore of Chowan formerly Granted to Richard Swinson and by him Elapsed for want of due Seating and planting the same

Ordered that the same be granted as prayed

Read the Petition of John Nixon Shewing that his Father Lackey Nixon formerly obtained a patent for one hundred and Ten Acres of land lying in Pasquotanke is not seated and planted as the Lawe directs praying that a Lapse patent may be granted to him for the same

Ordered that the same be granted as prayed

Read the Petition of Samuel Charles Granted

Read the Petition of William Haughton and the Petition of Patience Spiller and Constanie Williamson both refered to the next Council

Read the petition of Samuel Phelps and Joseph Oats and the Secretary informing this Board that there never had been a patent for the Land in Controversy Issued in Bogues name and it appearing that Samuel Phelps had purchased the same

Its therefore ordered that a patent Issue for the s^d Land in the name of Samuel Phelps

Read the Petition of Jane Sparnon praying that Letters of Administration might be granted her on the Estate of her husband Josph Sparnon Deced with the Will Annexed no Executor being appointed thereto

Ordered that the same be granted as prayed for

Read the Petition of Thomas Henman praying that a lapse patent might be granted to him for three hundred Acres of Land lying in Chowan precinct formerly Granted to Thomas Bray and by him Elapsed for want of due seating and planting

Ordered that a patent Isseu as pray'd for

The Petition of William Mitchell was read praying that a Lapse patent might be granted to him for four hundred and forty acres of Land lying at Welishes Creek formerly belonging to M^r Edward Mosely but this Board being informed by the Secretary that the s^d Land was already granted to William Fryley

Ordered that the same be rejected

John Hobbs's Petition was read seting forth that M^r John Norris Deputys Survey^r formerly surveyed a Tract of Land for one Burnham Conteyning four hundred Acres and that about 4 years afterwards the petitioner by the advice of the s^d Norris bought the survey of the s^d Burnham and intrusted the whole matter to him y^e s^d Surveyor who drew a deed of sale for the same which he hath ready to produce and the s^d Norris being likewise Implied to get a patent for your petitioner on the s^d Deed did after some time procure one for the petitioner but the Courses in the patent and the returne of the survey being defferent from the courses in the Deed afore mentioned the Petitioner by the neglect afor^d is a very great Sufferer haveing nothing but swamp and not near the Quantity of that which the patent mentions as the Courses in that are set down so that unless releaved by this Board by the foul practices of the s^d Norris the Petitioners are likely to lose his Land therefore humbly prays your Honours would order the s^d Norris to attend and give an accompt how he came to make a returne of Land where there was none

and that he may produce his book of surveys that the Petitioner may discover whether that be agreeable to the returne in the Secretarys Office

Ordered that the s^d John Norris attend the Boards next Sitting and bring with him his Feild Book of surveys

Robert Hicks Petition was read praying that a Lapse pattent might be granted to him for Two Tracts of Land lying at a Hostky formerly Granted to William Folke and by him Elapsed for want of Seating and planting according to the Tener of the s^d patents

Ordered that patents Issue as pray'd for

Read the Petition of Robert Hicks praying that a Lapse patent might be granted to him for five hundred Acres of Land granted by patent to Tredle Keef lying in Chowan Precinct and by Keef Elapsed for not Seating and planting according to the Tener of the patent

Ordered that the same be granted as pray'd for

Read the Petition of Robert Hicks seting forth that six hundred and forty Acres of Land lying in Chowan precinct hath been formerly granted by patent to James Turner which is not Seated and planted as the Lawe requires praying that a lapse patent may be granted to the Petitioner for the same

Ordered that a patent Issue for the same as prayed for

Moses Eliots Petition was read Shewing that his Father Thomas Eliot obtained a patent for one hundred and Sixty acres of Land lying in perquimons which is not seated and planted as the Lawe directs and therefore prays a Lapse patent may be granted him for the same,

Ordered that the same be granted

Read the Petition of John Lovick Esq^r praying that a Lapse patent may be granted him for a Tract of Land containing three hundred and eighty-five Acres formerly granted by patent to M^r Henry Clayton and by him Elapse for want of one seating and planting

Ordered that the same be granted

The Petition of Richard Bathelor was preferred Shewing that William Daws formerly took up eighty five acres of Land lying at Seupernung which is not Seated and planted as the Lawe requires praying that a Lapse patent may be granted to him for the same

Ordered that a patent Issue as prayed

James Betts's Petition was read praying that one hundred Acres of Land that formerly was granted to Robert Wallace of Pasquotanke and not Seated and planted as the Lawe requires might be granted to the petitioner

Ordered that the same be granted

Read the Petition of John Bell Shewing that Joseph Sparnon took up & Patented a Tract of Land lying in Pasquotanke Containing
acres which is not Seated and planted as the Lawe requires the petitioner therefore prays a Lapse patent may be granted to him for the Same

Ordered that a patten Issue as prayed for

John Kings Petition was read praying that a Lapse Patent may be granted to him for Ninety nine acres of Land lying at Bennet Creek being Elapsed by John Walters to whome a patent was granted for want of due Seating and planting

Ordered that the same be granted

Read the Petition of Thomas Roberts shewing that John Pettiver patented a Tract of Land lying in Chowan Precinct Containing about six hundred acres Joining on Timothy Taylors which is not seated and Planted as the Lawe requires praying that a Lapse patent may be granted to him for the same

Ordered that a patent Issue as prayd for

Read the Petition of William Fryley Junr shewing that about four years agoe his Father William Fryley Obtained a patent for three hundred acres of Land called Roses which is not seated and Planted according to the Tener of the s^d patent the petitioner therefore prays a Lapse patent may be granted to him for the same

Ordered that the same be granted

Jonathan Sherwoods petition was read Shewing that in the year 1716 James Sitterson obtained patent for sixty one Acres of Land which is not seated and planted as the Law requires praying that a Lapse patent may be granted him for the same

Ordered that the same be granted

Read the Petition of Tredle Keef shewing that Andrew Salisbury in the year 1716 Obtained a patent for ninety Acres of Land lying on Winacone Creek which is not seated and planted as the Law requires praying that a lapse patten may be granted to him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Thomas Peirce Seting forth that John Pettiver in the year 1712 Obtained a patent for four hundred acres of Land lying at the head of Bentleys Creek which is not seated and planted according to the Tener of the s^d patent praying that a lapse patent may be granted for the Same

Ordered that the same be granted as prayed for

David Sherwoods petition was read praying that a lapse patent may be granted him for a Tract of Land lying in Perquimons formerly granted to John Pettiver and by him Elapsed for want of seating and planting

Ordered that the same be granted

Read the Petition of Francis Smith praying that a lapse patent may be granted to him for a Tract of Land lying at yawpim Called petits point formerly granted by patent to John Pettiver and by the s^d Pettiver Elapsed for want of seating and planting

Ordered that a patent Issue for the same

Read the Petition of Thomas and John Boyd Shewing that about five years since their Father Co^{ll} Thomas Boyd Obtained a patents for three hundred acres of Land lying at Croaton which is not seated and planted according to the Tenor of the patent praying that a Lapse patent may be granted to them for the same

Ordered that the same be granted

Read the Petition of John Porter Shewing that John Swain in the year 1716 obtained a patent for three hundred Acres of Land which is become Lapsed of due seating and planting praying that a Lapse patent may be granted to him for the same

Ordered that a patent Issue for the same

Thomas Lovicks Petition was read shewing that William Duckingfield Esq^t Obtained patents for Two Tracts of Land lying on the head of Salmon Creek Containing each six hundred and forty Acres between the Land of John Duckingfields and John Williams which are both become Lapsable for want of due Seating and planting the petitioner therefore prays that a lapse patent may be granted to him for the Same

Ordered that the same be granted

The Petition of Coll William Reed was read shewing that Thomas Sawyer obtained a patent dated in 1711 for eight hundred and Fifty Acres lying in Pasquotanke which is become Lapsable for want of due seating and planting praying a Lapse patent may be granted to him for the Same

Ordered that a patent Issue for the same as prayed

The Secretary heaveing made a motion to this Board desiring their opinion whether such Lands as were taken up before the arrival of the order from the Lords proprietors forbidding the sale of their Lands in this province might not be pattented many persons haveing settled such Lands and are ready to pay the purchase money therefor

This Board unanimously agreed that patents may Issue on them provided there be a Clause in all Such patents declareing that the

s^d Land was taken up before the arrival of the s^d order from the Lords prop^{rs}

Then this Board adjourned til Saturday next

Saturday November the 14th this Board met again

Present the Honble the Governor

Thos Pollock	} Esq ^r Lds Deputys
William Reed	
Fra Foster	

Upon motion of Richard Sanderson Esq^r praying for Letters of Adm^{tn} on his Deced Fathers Estate and M^r Thomas Swan who had entered a Caveat in the Secretary Office against adm^{tn} being granted on the Estate til he was first heard being called to make his objections and not appearing to shew why adm^{tn} should not be granted as pray'd for

Its Ordered that the s^d Richard Sanderson have adm^{tn} granted him on the Estate of Rich^d Sanderson Esq^r Deced and the Secretary make out the Letters accordingly

By Order

J LOVICK Secty

[GENERAL COURT RECORDS.]

28 July 1719

NORTH CAROLINA SS

Att a General Court held for the s^d Province at the Court House at Queen Annes Creek in Chowan Precinct the 28th July 1719 and continued to the 1^t of August following

Present Jn^o Blount & Jn^o Hardy Esq^r

The Court being opened satt and adjourned till to-morrow morning 8 a clock

July the 29th 1719, The Court mett according to adjournment Present ffrederick Jones Esq^r Chief Justice Jn^o Blount, Jn^o Hardy, Tho^s Miller, Tho^s Harvey & Jn^o Worley Esq^r Maj^r Robert West, Benj: West & Tho^s Pollock Esq^r take and subscribe the severall oaths by law appointed & their places in the Court.

Co^{ll} Edw^d Moseley & Co^{ll} Maurice Moore appeard & moved this Court that their appearance might be recorded to save them and their Bail.

And it was accordingly recorded. They also moved that their Recognizances might for error in the Comittment whereby they stand comitted and for Error in the Recognizances for their appearance. The Court over ruled the Error, and orderd that the Recognizance be continued till the third day of the Court being the day for the Crown business The Court adjourned till to-morrow morning 9 a clock

July the 30th 1719 The Court mett according to adjournment

Present as above

The Grand Jury are Impanelled and sworn

Co^{ll} William Maule fforeman

W^m Charleton Sen^r Sam^l Phelps, Geo. Winns W^m Crawford Jno. Cotton, Jam^s Brown, John Plowman Dav^d Hicks, Sam^{ll} Pagett, Tho^r Garrett Griffeth Jones, Tho^s Rountree, Laz^s Thomas, Jam^s Boon Johnaⁿ Evans

W^m Braswell being bound by recognizance to appear at this Court made his appearance and nothing appearing ag^t him Ordered that he be dismist

Joseph Darden being bound by recognizance to appear at this Court appeard and the s^d Darden not being fully satisfyed the Court by the deposition he produced Ordered that he be continued by the Recognizance to appear at the next Court &c

Joseph Darden and W^m Braswell acknowledge themselves to be Indebted to our Sovereign Lord the King in the sum of two hundred pounds current money of Great Brittain to be leyed on their lands and tenem^{ts} goods & Chattells with condition

That the s^d Joseph Darden shall personally appear before the Chief Justice and Justices for holding the Generall Court of this Province the last Tuesday in October next then and there to answer and give Evidence to such causes matters and things as shall be allegged against and required of him and not to depart the s^d Court untill he shall be discharged therefrom then this Recognizance to be Void else to remain in full force and vertue.

Mary Worseley being bound to appear at this Court made her appearance and acknowledged her offences and is fined by the Court the sum of Tenn Pounds for the same which being paid in Court. Orderd that she be dismist.

Upon the Returne of the Grand Jury they Present the following Indictment to the Court.

NORTH CAROLINA—ss

To the Hon^{ble} ffrederick Jones Esq^r Chief Justice and to the rest of the Justices for holding the General Court for the Province of North Carolina

The Jurors for our Sovereign Lord the King upon their oaths do present that the seven and twentieth day of December 1718 Edward Moseley of Chowan Precinct in the County of Albemarle in the Province a^s^d Esq^r maliciously Intending and imagining Charles Eden Esq^r then Governor. Comānder in Chief and Admirall of the Province a^s^d into the hatred and evil opinion of all his Maj^{ty}s good and faithful subjects y^e Inhabitants of this Province to bring and the Good Govern^t diligent and just administration of him the s^d Charles Eden as Governor to detract asperse and contempt & to move and stir up debates and strifes differences sedition Discord and Dissention within this Province to the endangering the destruction and subversion of the Good Govern^t thereof and to the ruin and disturbance of the Kings Peace at Sandy Point in Chowan Precinct a^s^d advisedly and with malicious and seditious intent against the s^d Charles Eden then Governor. He the s^d Edw^d Moseley did Malitiously openly and contemptuously and Opprebusly in the presence of Divers his Maj^{ty}s good and faithful subjects Inhabitants within this Province speak publish utter and declare these false malitious scandalous Opprebus & seditious words and speeches following viz^t I wonder that you (one Jn^o Blount Esq^r a Justice of Peace then there being meaning) should be concerned in so foolish and frivolous a business but 'tis like their Proceedings (the s^d Charles Eden the Governor ffrederick Jones Esq^r then Chief Justice of this Province & other magistrates and good and faithfull subjects of our Lord the King then being with the s^d Governor removing him the s^d Moseley and others who had unlawfully taken into their possession the Records of this province, the Journalls of the Councell, the Collony seal the Secretarys office & the papers thereto belonging and they (the said Governor Chief Justice and others meaning) will be ashamed of it They (s^d Governor Chief Justice & others with him again meaning) could easily procure armed men to come and disturb quiett & honest men (himself and others who had so possessed themselves of the Record & Office &c meaning) but could not (tho' such a Number would have done) raise them to destroy Thack (one Edw^d Thacke formerly a pirate meaning) but instead of that he (the s^d Thacke meaning) was Suffered to go on in his villainies my Comitment is illegal (meaning his being then in Custody by the comānds of the s^d Governor) It is like the comānds of a German Prince. I (himself again

meaning) hope to see the Governor (the said Charles Eden again meaning) who has so illegally committed me a Prisoner himself putt in Irons and sent home to answer what he has done here, And I (himself again meaning) will endeavor to blacken his character (the Governor again meaning) as much as is in my power. And then of his farther Malitious and seditious intent to stir up the people & procure the disturbance and ruin of the Kings Peace proceeded appealing to the People & by slanders in these other seditious words and speeches. Is not this a hard case the Liberty and property of the subject is taken away by these Illegal proceedings and you are as lyable to have yours destroy'd as ours now are. To the great scandal & defamation of him the s^d Charles Eden Governor of this Province & the Governm^t thereof to the moving and incitement of Discord and sedition within this Province & Danger of the subversion of the Laws and Constitution of this Province against the Peace and in Contempt of our Lord the King that now is his Crown and Dignity & Contrary to the form of the statutes in such cases made and provided

DAN^l RICHARDSON P Duo Rege

Upon the returne of such Indictm^t The Question was asked by the s^d Moseley's Councill how many of the Jury agreed in the Indictment the fforeman answered all

Co^{ll} Edward Moseley informed this Court that he was very credibly informed that sundry reputable Persons in divers parts of the Country to the number of thirty were summoned by the Marshall of the severall Precincts to serve as Grand Jurymen for the body of this Government that the greatest part of them attended but by some practices as the s^d Moseley suggested there was but sixteen returned. He therefore moved that this Court would admit him to produce Persons to make proofs of the sumons of Sundry Grand Jurymen that were sumoned and not returned Altho' they were present in Court. Or that the officers might be called and examined on oath concerning the Sumons & Returnes

The Court were of opinion that M^r Moseley might call any evidence to prove any ill practice in the Marshall or any of the Officers but he not doing that & there not appearing anything in this matter contrary to the constant method and practice of this Court for sumoning and Impannelling Grand Jurys and Jurys, and the officers of this Court being upon their oaths in their places. It is the Opinion of the Court that they ought not upon this motion & suggestion to be sworn now & Examined whether they have been guilty of any evil practice in this matter Whereupon the Court ordered the Indictm^t to be read which was accordingly read, and

then the s^d Edw. Moseley moved that he might have time till the next Court to answer the s^d Indictment and the s^d Moseley making oath that he had evidences which he believed Máteriall who were out of the Governm^t Ordered that the Tryall be referred the next Court and also that the s^d Moseley enter into bond with security to appear the third day of the next Gen^l Court &c

And it is further Orderd that the s^d Moseley Plead tomorrow.

Coll^l Edw^d Moseley & Maj^r Thomas Luten acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of one thousand Pounds each curr^t money to be leyed on their lands and tenements goods and Chattells with condition that if the s^d Edward Moseley do personally appear before our Chief Justice and Justices for holding the Generall Court of this Province at the Court House at Queen Ann's Creek in Chowan Precinct the last Tuesday in 8ber next on the third day of the Court then and there to answer such matters & things as is laid to his charge by Indictment & not Depart y^e Court untill he shall be discharged therefrom & that in the meantime he be of his good behaviour then this Recognizance to be void else to remain in full force & vertue.

Adjourned till tomorrow morning 9 a clock

July 31 1719

The Court mett according to adjournm^t

Present as before upon the return of the Grand Jury they present the following Indictment to the Court

NORTH CAROLINA ss.

To the Hon^{ble} ffredrick Jones esq^r Chief Justice and to the rest of the Justices for holding the Generall Court for the Province of North Carolina

The Jurors for our Sovereign Lord the King upon their oaths do present that Maurice Moore Esq^r Thos Luten Jun^r Esq^r Joseph Moore Labourer & Edward Moseley Esq^r all of Chowan Precinct in the County of Albemarle afs^d and Henry Clayton of Pequimons Precinct in the County & Province afs^d Gentleman the sixth and twentieth day of December 1718 at Sandy Point in Chowan Precinct afs^d with force and armes into a certain dwelling house then in the possession of John Lovick Deputy Secretary of and for this Province wherein the Records of this Province the Journalls of the Councill the Collony seal were then being the Secretarys Office and the Navall Office for the District of Roanoak were then kept did unlawfully enter and the s^d house did fasten

& nail up and him the s^d John Lovick from the possession of the s^d House, Records, Journall seal and Officers with like force & armes did by the space of twenty hours Riotously hold and keep against the Peace of our Sovereign Lord the King that now is his crown and Dignity & against the force of the Laws in such case made and provided.

DANⁿ RICHARDSON P Duo Rege

Not Guilty Edw^d Moseley
M. Moore

To which Indictm^t being read Edward Moseley & Maurice Moore Pléad not Guilty

Ordered, that Co^{ll} Edward Moseley and Maurice Moore give bond with security in the sum of one thousand pounds each for their appearance here the third day of the next Court to answer the Indictment found by the Grand Jury and that in the mean time they be of their good behaviour.

Upon which Co^{ll} Edward Moseley and Maj^r Thomas Luten acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of one thousand pounds each to be leveyed upon their lands & Tenements goods and Chattells with condition. That if the s^d Co^{ll} Edward Moseley do personally appear here the third day of the next court and answer the Indictment found by the Grand Jury and not depart the Court untill discharged therefrom and that in the mean time he be of his good behaviour then this Recognizance to be void else to remain in full force and vertue

Co^{ll} Maurice Moore and Tho^s Swann acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of one thousand Pounds each curr^t money to be leyed on their Lands and Tenements goods and Chattells with condition. That if the s^d Co^{ll} Maurice Moore doe personally appear here the third day of the next Court and answer the Indictm^t found by the Grand Jury and not depart the Court untill discharged therefrom and that in the mean time he be of his good behaviour then this Recognizance to be void else to remain in full force and vertue

Upon the motion of the Attorney Generall Ordered, that process do issue to take into custody Tho^s Luten Jun^r Joseph Moore Labourer and Henry Clayton untill they give bond with security in the Penalty of one thousand pounds for their appearance here the third day of the next Court to answer the Indictment found against them and Co^{ll} Moseley and Co^{ll} Moore by the Grand Jury.

Henry Clayton & Thomas Bitterly acknowledge themselves to be

indebted to our Sovereign Lord the King in the sum of one thousand pounds each to be levyed upon their Lands and Tenements goods and Chattells with condition

That if the s^d Henry Clayton do personally appear here the third day of the next Court and answer to the Indictment found by the Grand Jury against him & others and not depart the Court until discharged therefrom, and in the meantime he be of his good behaviour then this Recognizance to be void else to remain in full force and vertue

Thomas Luten Jun^r and Cap^{tn} Henry Bonner acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of one thousand Pounds each curr^{nt} money to be levyed upon their lands and tenements goods and Chattells with condition

That if the s^d Thomas Luten Jun^r do personally appear here the third day of the next Court & Answer to the indictment found by the Grand Jury against him & others and not depart the Court untill discharged therefrom and in the mean time he be of his good behaviour then this Recognizance to be void else to remain in full force and vertue.

Thomas Boyd being bound to appear at this Court by recognizance made his appearance & nothing appearing against him Ordered that he be Dismist.

The Grand Jury presents John Hassell for living in Adultery many years they likewise present the s^d Hassell for Blasphemous words & discourses at several times

Charles Wilks for living in open Adultery

Mary Brinn for keeping Company with Charles Wilks and causing his wife to leave him by threatning speeches

John Wyer for taking away the wife of Thomas Portis & keeping Company with her.

W^m Branch retailing liquor without licence and selling Liquor and Victuals contrary to the Law of this Province

And also Jn^o White Sen^r selling Liquor without a Licence.

Orderd^t that Venires do issue out agst John Hassell Charles Wilks Mary Brinn John Wyer, W^m Branch & John White Sen^r to cause them to appear here the third day of the next Court to answer the presentm^{ts} of the Grand Jury and that the Attorney Gen^l have copys of the Presentm^{ts}

The Court having asked the Grand Jury if they had any farther presentments to offer and they answering No. Ordered that they be discharged

Adjourned till tomorrow morning 8 a clock

Augst the 1st The Court mett according to adjournment Present as before Read the orders of the Court and adjourned to the Court in Course

NORTH CAROLINA ss

Att a Gen^l Court held for the s^d province at the Court House at Queen Ann's Creek in Chowan Precinct the 29th Octob^r 1719 & Continued to the 3^d day of Novem^r following

Present ffredrick Jones Esq^r Chief Justice

John Blount	} Esq ^r
John Hardy	
John Palin	
John Worley	
Thos. Pollock Jun ^r	
Maj Robert West	

The Grand Jury are impannelled and sworn

John Bell fforeman

Tho^s Ashley, Sam^l Phelps, John Williams Lew^s Davis Tho^s Ball, Mich^l King, Martin Gardner Jam^s Rutland Griffeth Jones, W^m Willson Lan. Magne Jam^s Bell Edw^d James Edward Moore John^a Evans John ffalcenar

Coll^l Edward Moseley being bound by Recognizance to appear at this Court to answer an Indictment found agst him by the Grand Jury last Court made his appearance Maurice Moore being bound by Recognizance to appear at this Court to answer an Indictm^t found agst him by the Grand Jury last Court made his appearance Tho^s Luten Jun^r being bound by Recognizance to appear at this Court to answer an Indictm^t found ag^t him by the Grand Jury last Court made his appearance. Coll^l Edward Moseley being bound by Recognizance to appear at this Court to answer an Indictment found ag^t him and others by the Grand Jury last Court made his appearance.

Henry Clayton being bound by Recognizance to appear at this Court to answer an Indictm^t found agst him & others by the Grand Jury last Court made his appearance

Which Indictm^t being read Henry Clayton & Tho^s Luten Jun^r severally pleaded not guilty

Ordered that Coll^l Edward Moseley appear at this Court tomorrow morning 10 a clock upon his Recognizance

Ordered that Coll^l Edw^d Moseley, Maurice Moore Thos^s Luten Jun^r & Henry Clayton appear at this Court tomorrow morning Ten a clock upon their afs^d severall Recognizances

The Grand Jury presents Tho^s Spivy Abra: Spivy Benj: Spivy and Jacob Spivy for Hogg stealing by the Information of Nich^o Hunter Rob^t Chappell & Mary Chappell Evidences.

The Grand Jury presents Abram Spivy for mismarking of Hoggs by the information of Nich^o Hunter Rich^d Bond Wm Ashley & Jos. Ashley witnesses

The Grand Jury presents Tho^s Spivy, Abra^m Spivy Benjⁿ Spivy & Jacob Spivy for breaking the Sabbath informd^y by the oath of Mary Chappell

The Grand Jury presents Jam^s Boulton cohabitting with and seducing Mary Jennings the wife of W^m Jennings Sen^r from her husband by the Information of John Bell

The Grand Jury presents Henry Pendleton for breaking the Sabbath by the Information of John Bell

The Grand Jury presents Em^l Low for breaking the Sabbath with three of his Negros with him by the information of James Bell

The Grand Jury presents John Relf & Edw^d flairecloth Overseers of the road for not keeping the roads in repair according to Law by the information of Jo. Cooper.

The Grand Jury presents Benjⁿ West for breaking the Sabbath by his negro^s working on the Sabbath by the Information of Jam^s Bell.

Ordered that venires do issue out agst Tho^s Spivy Abra^m Spivy Benj. Spivy. Jac^b Spivy Jam^s Boulton Henry Pendleton, Em^l Low. John Relf Edw^d flairecloth & Benjⁿ West to cause them to appear the third day of the next General Court to answer the presentm^t of the Grand Jury. And that the Attorney Gen^l have Copys of y^e Presentm^{ts}

The Court haveing ask'd the Grand Jury if they had any farther Presentm^{ts} to offer and they answering No. Ordered that they be discharged.

Adjourned till to-morrow morning ten a clock

ffriday 8ber 30th 1719

The Court mett according to adjournment. Present as before. Read the orders of the Court

Dan^l Richardson Esq^r Attorney General comes to present an Indictm^t found by the Grand Jury last Court agst Coll^l Edward Moseley in these words to witt The Jurors for our Sovereign Lord the King upon their oaths do present that the seven & twentieth day of Decembe^r 1718 Edward Moseley of Chowan Precinct of the County of Albemarle of the Province afs^d Esq^r &c as by the s^d Indictm^t here upon record doth appear to which he then pleaded, which said plea being lost or embezled cannot

be had but the Court being assured the s^d Plea is not Guilty saving to himself all lawfull advantages & putting himself upon the Country for Tryall and which s^d plea was Joyn'd by the Attorney Generall afs^d to which he the s^d Moseley was this day call'd and appear'd according to Order yesterday and mov'd the Courts opinion whether he was regularly here in Court this day to which the Courts opinion is that he the s^d Moseley is Regularly here in Court this day. Whereupon the s^d Edward Moseley desires the Court to Consider whether the Entry made this day of the plea to this Indictm^t is the same plea as he delivered in writing the last Court according to their order and which was Joyn'd & subscribed by the Attorney Generall for the s^d Edward Moseley saith It contain'd more than a Bare. Not Guilty for it contained a Protestation and saving to himself all advantages of exception to the whole Proceedings on this Case and desires the s^d plea may be referred to which being impossible It is the Resolve and opinion of this Court that the prosecution of his Maj^{ty}s suit ought not to fall for want of the plea putt into the last Generall Court by the said Moseley which hath either been lost or Imbezled by the Clark but as the Court is well satisfied that the Plea was Generall Issue Not Guilty saving to the s^d Moseley all lawfull advantages they ought to proceed on his tryall. Whereupon it was Comanded the Marshall that he cause to come twelve &c by whom &c who neither &c And there came (viz) M^r Jam^s Castellaw Edwa^d Carter, Tho^s Blitchendon Lewis Skinner, John Jennet Robert Patterson, George Turnage, Mos^s Hill Jn^o Bentley, Tho^s Elliot Richard Willson Edward Wingate who being sworn say. We of the Jury find Edward Moseley Guilty of speaking the words contain'd in the Indictm^t according to the evidences and if the Law be for our Sovereign Lord the King then we find him the s^d Edward Moseley Guilty, but if the Law be for the s^d Moseley then we find him not Guilty.

Whereupon the Councill for our s^d Lord the King moved the Court to assign a time when the matter of Law shall be argued and this Court has appointed time now being Satturday the 31 of this Ins^{ts} Ten a clock

And upon motion of the Attorney Generall Order'd that the said Edward Moseley be Continued upon the same Recognizance by which he stood bound in the above Suit for Scandalous words &c till tomorrow being saturday the 31 of this Ins^t Ten a Clock

Coll^l Edward Moseley being call'd to answer the Indictment found agst him & others &c made his appearance according to the order Yesterday of this Court Order'd that he be continued upon the same Recognizance till tomorrow 10 of the Clock being the 31st of this Instant

Co^{ll} Maurice Moore being call'd upon his Recognizance continued by Order of this Court to this day made his appearance. Order'd that he be Continued upon the same Recognizance till tomorrow morning 10 of the clock being the 31st of this Ins^t

Thomas Luten Jun^r being call'd upon his Recognizance continued by order of this Court to this day made his appearance. Order'd that he be continued upon the same Recognizance till tomorrow 10 of the clock being the 31st of Instant.

Henry Clayton Gent. being called upon his Recognizance continued by order of this Court to this day made his appearance Order'd that he be continued upon the same Recognizance till tomorrow 10 of the clock being the 31st of this Instant.

And then the Court adjourned till Saturday ten a clock.

SATURDAY 8ber 31 1719

The Court mett according to adjourn^t Present as before Read the Orders of the Court

Upon M^r Edward Moseley's troubling the Court with severall unnecessary motions. It is resolved by the Court that they will not stuff the Record with his motions, but that he shall have full Liberty to Plead everything that is pertinent to his Tryall.

And now here at this day came the Councill for our Sovereign Lord the King &c and Edward Moseley Defend^t according to the time assigned by the Court for Argueing the matter of Law in the suit depending between the Pl^t & Def^t afs^d and the same being fully argued and Debated on both sides, the Court adjourned for half an hour to consider thereon.

The Court mett according to adjournment.

And this Court having advised with themselves and well and Duely considered the arguements on both sides and the Verdict of the Jury last might do find & adjudge the Law is for our Sovereign Lord the King Pl^t

The Attorney Gen^{ll} moved for Sentence

And thereupon the Court take time untill munday morning next ten of the clock to consider of the sentence

And upon motion of the Attorney Gen^{ll} Orderd that the s^d Edward Moseley be continued upon the same recognizance by which he stood bound in the above suit for scandalous words &c. till munday morning ten of the clock

Coll^{ll} Edward Moseley being calld to answer the Indictm^t found agst him and others &c made his appearance according to the order yesterday of this Court.

Orderd' that he be continued upon the same recognizance till Munday morning next ten of the Clock

Coll^m Maurice Moore being calld' upon his Recognizance continued by Order of this Court to y^s day made his appearance.

Orderd' that he be continued upon the same Recognizance till Munday morning next Ten of the Clock

Tho^s Luten Jun^r & Henry Clayton being calld' upon their Recognizances continued by order of this Court to y^s day made their appearances.

Orderd that they be continued upon the same Recognizance till Munday morning next ten of the Clock.

Adjourn'd till Munday morning next ten of the Clock

MUNDAY Nov^r 2 1719

The Court mett according to adjournment. Present as before save only Rob^t West Esq^r

Coll^m Edward Moseley being calld' to answer the Indictm^t found agst him for scandalous words &c made his appearance according to the order of this Court Satturday last and the Attorney Gen^l moved for Sentence upon y^e Indictm^t upon which he had by the Court and Jury been found Guilty

And it being asked the s^d Moseley if he had anything to say in stay of the s^d sentence answerd' that he would not trouble the Court any further but submitt himself to them upon which the Court adjourn'd' for half an hour to advise and consider thereon, The Court mett according to adjournm^t, And this Court having well and Duely considered the Indictment throughout the Evidences produced in the whole Tryall the Verdict of the Jury found thereon and the Arguments and law both on behalf of the King & upon Edward Moseley Esq^r Def^t have adjudged the law to be with the King

It is therefore considered and adjudged by the Court that y^e s^d Edward Moseley pay a fine of one hundred pounds and be incapable of bearing any office or place of Trust in this Government for three years and give bond with sufficient security in the sum of two hundred pounds for his good behaviour a year and a day and that he be taken into Custody untill he perform the same.

Daniel Richardson Esq^r comes to present an Indictm^t ag^t Maurice Moore Esq^r Tho^s Luten Jun^r Esq^r Edward Moseley Esq^r all of Chowan Precinct in Albemarle County & Henry Clayton Gent. of Pequimans Precinct in the County af^s^d and saith as in and by the s^d Indictment remaining upon Record doth appear became bound by Recognizance to

appear this Court & being calld according to the s^d Recognizance they all severally appeared & upon their motions to the Court had leave to raise out the word (not) which accordingly they did and pleaded Guilty to the s^d Indictment and throw themselves upon the mercy of the Court. Whereupon the Court askes time till tomorrow morning to consider thereon. And then adjourn'd till tomorrow morning Ten a clock, Tuesday Nov^r the 3^d 1719 The Court mett according to adjournm^t Present as before ffredrick Jones Esq^r Ch: Justice Excepted.

And the Court having considered the Indictm^t with regard to the severall aggravations of the persons therein mentioned & the s^d Persons Plea & throwing themselves upon the mercy of the Court. Have ordered and gave Judgment that the s^d Co^{ll} Maurice Moore pay a fine of five pounds and M^r Tho^s Luten Jun^r pay a fine of twenty shillings and that each of them give bond with sufficient security in the sum of twenty pounds for their good behaviour till the next Generall Court. And that Co^{ll} Edward Moseley & M^r Henry Clayton pay a fine of five shillings each and that they be all taken into Custody untill they have performd the same.

Daniel Richardson Esq^r Attorney Gen^{ll} comes to Prosecute an Information of the Grand Jury agst John White and saith

The Jurors for our Sovereign Lord the King presents John White of the Indian Town in Chowan Precinct for selling and retailing Liquors without Lycence contrary to the Laws of this Province in y^t behalf made and provided & against the Peace of our said Sovereign Lord the King y^t now is and against his Royal Crown Dignity &c.

DAN^{ll} RICHARDSON P Duo Rege.

And the s^d John White by Tho^s Bray his Atty comes & for plea saith Not Guilty Whereupon the Attorney Gen^{ll} afs^d prays time till the next Gen^{ll} Court to produce y^e Kings Evidence.

Orderd that the same be continued till the third day of the next Generall Court

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Information of the Grand Jury agst W^m Branch and saith

The Jurors for our Sovereign Lord the King presents W^m Branch of Chowan Precinct ffor that he the s^d William Branch did retail Liquors without Lycence & Sell Liquors & victuals contrary to the Laws of this Province in that behalf made and provided and agst the Peace of our Sovereign Lord the King that now is & agst his Royall Crown & Dignity &c.

And the s^d William Branch by Tho^s Henman his Attorney comes & for Plea saith Not Guilty whereupon the Attorney Generall afs^d Joynd issue and prays time till the next Generall Court to produce the Kings evidence

Ordered that the same be continued till the third day of the next Generall Court

Daniel Richardson Esq^r Attorney Generall comes to prosecute an Information of the Grand Jury agst Charles Wilks and Saith

The Jurors for our Sovereign Lord the King present Charles Wilks of Pequimans Precinct for living in open adultery agst the Peace of our s^d Sovereign Lord the King y^t now is his Royal Crown & Dignity & contrary to the Laws in that behalf made & provided &c

DANⁿ RICHARDSON P Duo Rege

And the s^d Charles Wilks by Tho^s Henman his Attorney appeard

Ordered that the same be continued till the 3^d day of the next Gen^l Court by the Consent of both Partys

Daniel Richardson Esq^r Attorney Gen^l comes to prosecute an information of the Grand Jury agst Mary Brinn & saith

The Jurors for our Sovereign Lord the King Presents Mary Brinn for keeping company with Charles Wilks of Pequimans Precinct and causing his wife to leave him by threatening speeches agst the Peace of our s^d Lord the King that now is Royall Crown & Dignity & agst the force of the Law in that case provided &c

DANⁿ RICHARDSON P Duo Rege

And the s^d Mary Brinn by Tho^s Henman her Attorney appeard

Ordered that the same be continued till the 3^d day of the next Gen^l Court by the consent of both Partys.

John Wyer being calld to answer an Indictm^t found agst him by the Grand Jury last court & failing to appear

Order'd that he be taken into Custody untill he find security to appear at the next Gen^l Court to answer the Indictm^t afs^d

John Hassell acknowledges himself indebted to our Sovereign Lord the King in the sum of one hundred pounds and Mott Casewell in the sum of fifty pounds to be levyed upon their Lands & Tenem^{ts} Goods & Chattells

with Condition that if the s^d John Hassell shall Personally appear at the next Gen^l Court & answer the Presentm^t of the Grand Jury for Blasphemous words &c and not depart the Court untill discharged there-

from and that in the mean time he be of his good behaviour then this Recognizance to be void or else the same to remain in full force and Vertue

Thomas Luten Jun^r & Sam^l Phelps acknowledges themselves to be indebted to our Sovereign Lord the King in the sum of Ten pounds each to be levied upon their Lands & Tenements goods & Chattells with Condition

That if the said Tho^s Luten do well behave himself to all his Maj^{ty} Liege people till the next Gen^l Court then this Recognizance to be void else to remain in full force and Vertue.

Adjourned to the Court in Course

FFRED JONES Ch. Just.

[FROM N. C. LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY

NORTH CAROLINA Dec^r 31st 1719

Sir

Since my last of July per Via New York there occurs very little worth rehearsing, we need to say "bis repetita placent" but I find I may repeat Bill Millies the old story over again before I learn whether it pleases or not I can only tell you I am more miserable than ever & harder put to it to subsist myself and poor family than I used to be. I did intend since my letters are in vain, to have come over for England next spring, & to have made known my circumstances viva voce and if I had sped no better than my letters have done, I purposed to have sent for my family, and to have taught A B C in a garret and have tried to have got one of the many 5^e curacies or readers places in at about London & doubted not but to have had more comfort and enjoyed myself better than ever I did here. It hath pleased God to take to himself my dear wife she died of very grief and discontent not to say want for truly of late we have lived very sorrowfully. It was irksome and uneasy enough to turn farmer or planter, but am grown so great a proficient, that if I had slaves and barns with necessaries that must be had, I could improve my plantation raise stock and subsist myself & family very comfortably, but to cott as I must now do, will be more tedious to me, and create more trouble than all the rest. I have only a sorry wretch that I came by on the Ships account & hath but a year and a half to serve, she knows noth-

ing of household affairs and a notorious whore & thief, and yet preferable to any that can be hired here notwithstanding all her faults. She was bred a Trader in Spittlefields but followed the Musick Houses most & other vile courses which brought her to Bridewell and from thence transported hither. Except I can get a sober good woman into the house I cannot hold it any longer. I intend to send my two youngest children as a present to the Society hoping they will put them into some charity school or hospitall. Whereby they may be educated and provided for, when they come to age for I am not able to maintain them. My eldest is near twenty capable of helping me, but is bent upon going for England, so that you may guess what a rare housekeeper I am like to make with this sorry wench and a senseless dumb negro fellow. There is no boarding here, there is never a family that I know of that I would live in if they would hire me. My brother Taylor has had tryals of that, & has changed his habitations a dozen times since he came hither and wishes himself in South Carolina again. I can put no other construction upon the Society's not taking notice of me but that they will force me to leave their service & now you see I must do it, and yet considering I am aged wanting but 3 of 60 years, I am not fond of leaving a pretty settlement and a warm country, to come and seek my bread in a cold starving country, and therefore once more beg the Society to put me in the way how to get negroes. 3 or 4 at least recommend me to some body at Barbadoes, or the other islands Virginia or New York who will take my bills & be just to me, or else will pay what is due to me at any of the places afores^d I will continue where I am, I know nobody I can trust all that I have ever dealt with me have cheated me since my tedious and dangerous fit of sickness. I am grown very crazy and not able to to travel, so that I have not baptized many this last half year, Seven only in my neighborhood, 5 one in another Parish. The first long journey I took since my sickness through weakness and bad roads, I was so fatigued that I desired to have my horse sent back & I hired a canoe and two negroes to carry me back I was soundly wet and got a great cold the passage cost me £20 so that besides loss of health I was out of pocket, and scarce thanks for my pains. I have had many such Chapps, Its a common notion that I am obliged to serve the whole country but I must disappoint them for the time to come With much ado I prevailed with my vestry to meet the first time in three years, they pretended to have collected for the two first years after the late Act took place they paid me in bills £79 for £100 alledging they could raise no more and for the two last years ending this day they have promised me £80 more and

what they collect more is to pay a reader in the remote parts where I cannot attend as they say I ought to do every other Sunday which I neither can nor would be obliged to do for £50 per annum more. I must pay the Collector 2 or 3 per cent so that my income is of little value. They have entered a memorandum in their Vestry book that these £143 due to me, on the former account but when or how it will ever be raised I know not for no man is liable to pay more than 5^s per poll every year and that you may see, will not raise the yearly allowance what must become of the arrears? In fine I find they are for keeping up the old custom to do what they list with Ministers. They matter not how poor we are, or how miserable we live, we shall be the first they cheat or overreach in their dealings. Ready enough to complain upon any supposed neglect and yet at the same time are not for coming to Church above once in a month or two and then they neither know nor care what they come about, very negligent and ignorant of their duty. I have administered the sacrament of the Lords Supper but twice these 5 years in public and as often to sick persons I pray you to let me know the sentiments of the Society in relation to this that I may begin to dispose of myself and family if so be they will not comply with my requests I wish I could sell my house and land at anything near the value I should not then be long in resolving what to do. I am Sir Yours &c

JOHN URMSTONE

1720.

[FROM N. C. LETTER BOOK OF S. P. G.]

MR URMSTONE TO THE SECRETARY

NORTH CAROLINA Feb 15. 171⁹/₂₀

Sir

I received from you a letter dated Xmas 17th 1716 per Via Boston on the 7th ins^t wherein you say the Hon^{ble} Society at a general meeting Nov^r 16th of the same year, resolved that I should have their leave to return to England: I wish yours had come to hand in due time, I hope theres some mistake in the date, & that I may be entitled to their bounty as in their standing orders, relating to Missionaries page 56 and 16 I joyfully accept their leave for 'tis worse with me than ever. having lost my poor wife who died last year Oct^r 18th without, any previous sickness, not many

hours before her death, she declared before several of her neighbours that her heart was broken, through our ill usage and comfortless way of living; She prest me sore for divers years either to quit this wretched country or give her leave to go home with her children: I wish I had done either it might have pleased God to have continued her to me many years longer. I propose to take my passage in the next ship that I can hear of going from Virginia for England & therefore countermand my request to the Society in mine of the Ult^o Dec^r last year per via New York. I shall be a great sufferer by leaving this place & yet I would rather undergo that than suffer and get nothing. Whereas I hope to end my days with some comfort in my native country, if the Society will not be pleased to do something better for me. For I would rather be Vicar to the Bear Garden than Bishop of North Carolina These are from Sir,

Your Most humble St

JOHN URMSTONE.

[COUNCIL JOURNAL.]

22 Feb 1720

At a Council held at the House of Co^{ll} Thomas Pollock February 22^d 1720

Present the Honble Chas Eden Esq^r Governor—Capt^t Gen^l & Admiral

Thomas Pollock	}	Esq ^r Lords prop ^{trs} Dep ^{ty} s
Frederick Jones		
Richard Sanderson		

The Honble the Governor having had information that the Inhabitants of South Carolina had revolted from the Lords proprietors that they had turned out all their Officers appointed a New govern^r and taken the administration into their owne hands and hearing that Co^{ll} Christopher Gale was Just arrived from thence he ordered M^r Lovick the Secretary to Attend him and desire him to wait on the Council to give them an accompt of the proceedings of that Government who accordingly came and this Board required that he would give them accompts in writeing of what he knew of the Revolution in South Carolina and the causes of it.

This Board haveing business of moment with the Surveyor General

Its ordered that he attend the Board to morrow Morneing by Eleaven of the Clock at Co^{ll} Pollock house without fail

Then this Board adjourned til tomorrow at Eleaven of the Clock in the forenoon

Feb 23^d This Board being met again *ut supra*

Co^{ll} Gale's Letter was produced writ to the Honble the Governor giving a perticular account of the Turne affairs in South Carolina upon which this Board came to a Resolution that an address should be prepared by the Secretary against the next sitting of the Council to assure the Lords proprietors that this Board utterly detests the proceedings of that province and that nothing shall be wanting in their power to propagate their Interest here and that they are intirely easy and satisfied under their Lordships Government and will allways use their utmost endeavours to maintain it.

Infamation haveing been made to this Board by Captain John Grey and others that the Council of Verginia have given orders to their Surveyors to lay out thirty thousand acres of Land on Moratock river beginning at Bridgers Creek and running up the river which Land being long since granted to the Inhabitants of this Government and this Board haveing duly weighed and Considered of the same and being well satisfied it is not within the Controverted bounds but within the undoubted limits of this Government and Consented to by that of Verginia

Its Ordered that the Surveyor General or his Sufficient Deputy attend those persons from Virginia to observe their motions and in a peaceable manner desire them to desist from their undertakings and in case they should not upon the surveyors remonstrating to them that they have no right or authority to take up or survey Lands in the bounds aforementioned he Is then Commanded to apply himself to Cap^t Grey who is to assist him with his Company to prevent their makeing any survey so contrary to the agreement made between this Government and that of Verginia until the bounds be adjusted and its further ordered that the Secretary send orders to Cap^t John Grey to have his Company in readiness

By Order

J LOVICK Sec^{ky}

[FROM POLLOCK'S LETTER BOOK.]

Hon^d Sir

I was something surprised at the receipt of yours, not so much on account of their making a forcible entry, as upon their making of it at this Juncture; but it is like some of their other proceedings. And I think strange that Co^{ll} Moseley is concerned in such an action, which he knows is so contrary to law, and I think to very little purpose. For one Justice of the Peace upon complaint made to him, ought to go to the place

where the forcible entry hath been made, and if he see cause may take sufficient power of the country with him, and remove the force if he find any forcible detainer, and commit the offenders. And if upon his going to the place he finds no forcible detainer, yet upon complaint as aforesaid he may inquire by a jury of the forcible entry, which being found upon indictment he may resize the land, and award restitution to the party ousted of possession. I believe the best way is to proceed legally in the matter, for if your Honor in turning them out, should make any wrong step, they will be ready to make all the advantage they can of it; and may be it is with expectation of some such matter they proceed so at this time. So that I believe it may be best if Cap^t Lovick act in the matter, he being tenant and ousted of possession. I have writ to him and desired him (to go having witnesses with him) and see to get possession, and if they forcibly keep him out, or turn him out when entered, or threaten to maim or do any bodily hurt to him, it will make also a forcible detainer: likewise whereof I hope Cap^t Jones will take an inquest and if the jury find either a forcible entry or detainer, will award restitution to the party ousted of possession.

As to Col. Cary's debt I have inquired in his concerns what I can. One M^r Richardson, who is the Lords Proprietors' auditor or Receiver General of their concerns, hath administered, and pretends that he owned a great deal more to the Lords Proprietors than his estate will amount to; and he is so slow than he neither brings Cary's estate to an appraise-ment or takes an inventory of it neither I doubt can he well make appear what he owed the Lords Proprietors. But I believe it was more a great deal than what his estate will pay.

If you had sued for it for it here when he had an attorney, the Proprietors yet making no claim, I believe it might easily have been recovered, in our country bills: but am in great doubt now it is lost, for what is to be found of Cary's estate here is but very small, and his debt to the Lords Proprietors very great. Howsoever, if you send in your matters clear, as I writ to you before, I will endeavour what I can for you; as much as if it was mine own concern, but am in very little hopes of getting any thing.

Or I believe it might be better if you make Col Moseley your Attorney. For he having been Col Cary's attorney before is the best acquainted with Cary's concerns of any in the government.

Sir yours

[COUNCIL JOURNAL.]

Att a Council held at the Honble the Governors April the 4th 1720
Present the Honble Charles Eden Esq Captain General & Admiral

Thomas Pollock	} Esqrs. L ^{ds} Prop ^{trs} Dep ^{ty} s
William Reed	
Richard Sanderson	
Frederick Jones	

Read the petition of Edward Mackswine Shewing that Robert Molio-
nes late of this Province Dec^{ed} by his last will and Testament gave his
Lands that he was possessed of after his wife's Decease to his sisters and
their Heirs living in the Kingdom of Ireland the Petitioner being Eld-
est son to one of the sisters af^d and Haveing Testimonials thereof ready
to be produced he prays that a patent may be granted him for what
Lands his Unkle dyed possessed of in North Carolina as Heir agreeable
to the act of Assembly of this province no legal patents for the s^d Lands
haveing yet been granted thereon

And this Board haveing perused the will of the s^d Maloinés and
Examined the Testimonials of the petitioner and finding them to be as
set forth in the petition

Ordered that a patent Issue to the s^d Mackswine as prayed for pursu-
ant to the act of Assembly in that behalf made,

John Arthers Petition was read Setting forth that he purchased a Tract
of Land of James Wolsea Containing Six hundred and thirty Acres
lying in Chowan at Spring Branch which Land was Lapsable tho
unknowne to the petitioner when he brought the Same for want of Seat-
ing and planting therefore prays a Lapse patent may be granted to him
for the Same

Ordered that the same be granted

Read the Petition of Abraham Hobbs shewing that Benjamin Roberts
in the year 1716 Obtained a patant for one hundred and Sixty six acres
of Land lying near Lumerton which is become Lapsable for want of due
seating and planting the same praying that a Lapse pattent may be
granted him for the s^d Land

Ordered that a patent Issue out for the same as prayed

Thomas Pollocks Esq^{rs} Petition was read shewing that Lawrence Sar-
son haveing obtained patents for Three Tracts of Land Viz^t one Tract
lying at the head of Ducks Creek Containing four hundred and Eighty
eight acres and one lying on the head of Mr Duckingfields land contain-

ing one hundred and fifty acres and one lying in the fork of Cassia river Containing one hundred and Seventy five Acres all which Land is become Lapseable for want of due Seating and planting the petitioner therefore prays Lapse patents may be granted to him for the s^d Three Tracts of Land

Ordered that the same be granted as prayd for

Upon Petition of James Bell shewing that Edmund Chaney in the year 1714 Obtained a patent for five hundred and fifty three acres of Land lying in pasquotanke river at Knobbs Crook which is become Lapseable for want of due seating and planting praying that a Lapse may be granted to him for the s^d Land

Ordered that the same be granted as prayed for

Read the petition of Richard Grey shewing that Elenor Attoway obtained a patent for a Tract of Land lying in perquimons which is become Lapsable for want of seating and planting praying that a Lapse patent may be granted to him for the same

Ordered that a petition Issue as prayed

The Petition of Thomas Penrise was read praying that a Lapse patent may be granted him for one hundred and sixty acres of Land lying in perquimons granted by patent in the year 1704 unto one Francis Pricklove and is become Lapseable for want of due seating and planting

Ordered that the same be granted as prayed for

Read the petition of John Norris Shewing That W^m Jackson y^e elder in the year 1696 obtained a patent for one hundred and Sixteen Acres of Land lying in pasquotanke which is become Lapsable for want of due seating and planting praying that a lapse patent may be granted to him for the same

Ordered that the same be granted as prayed for

The Petition of Samuel Northy Jun^r was read praying that a Lapse patent may be granted to him for one hundred and eighty five acres of Land lying on Little river formerly granted by Patent to his Father and by him Elapsed for want of due seating and planting

Ordered that a patent Isue as prayed for

Read the Petition of Samuel Woodward shewing that William Duckingfield Esq^r obtained a patents for Two Tracts of Land lying in Rockahock and Chowan River Containing each ——— acres of Land neither of which have been seated and planted as the Lawe directs the petitioner therefor prays that a Lapse patent may be granted him for the Tracts of Land afsd

Ordered that patents Issue to Samuel Woodward as prayed

Read the Petition of George Durant shewing that he had lately lodged a warrant with rights with M^r James Wineright Depty survey^r for a small Tract of Land after which y^e said Wineright tooke a warrant and rights for another person for the s^d Land and refused to survey the same for the petitioner

Ordered that Mr James Wineright Deputy surveyor and s^d Durant attend the next Board and that in the mean time survey^r forbear laying out the Land in Controversy

M^r Chief Justice Jones haveing made a motion to this Board representing that several persons Inhabitants of this Goverment are Injured and put to very great hardships and Difficulty by reason of Coll Edward Moseley Suspension from pleading he haveing undertaken their business and haveing their papers in his hands

Whereupon this Board unanimously agreed that the s^d Moseley might have Liberty to plead and Speake to such matters only as he can make appear to M^r Chief Justice he was actualy retained in before the sentence passed upon him by the General Court held in October 1719

Upon Petition of James Castlebawe Shewing that he obtained a warrant with rights from the Secretarys Office for six hundred and forty Acres of Land bearing date Octo the 28th 1719 and Lodged the same with the Surveyor General and had his Certificate therefore notwithstanding which the survey^r General refuses to make a returne of the survey pretending a prior Entry was with him for the s^d Land by one Jonathan Stanley

Ordered that the surveyor General forthwith make a returne of the s^d Land for James Castlelawe as the Lawe directs in such Cases unless he can produce to this Board a Warrant with rights of a prior date for the Land afs^d Granted to any other person

Cap^t John Hoyter a Chowan Idien haveing produced to this Board an order from the Honble the Governor directed to James Sitterson requirēg him the s^d Sitterson to pay to one Willowby an Indian Money due for an Indian Slave bought at Core Sound which order the s^d Sitterson not haveing Complied with

Its Ordered that the s^d James Sitterson attend this Board at the next Sitting without fail and that Willowby attend likewise

Read the Petition of Co^{ll} Edward Moseley shewing that at the greneal Court held in Oct^r 1719 Judgment was entered that he should pay a fine of one hundred pounds, be incapable of bearing any office or place of Trust in this Goverment for three years and give Bond with sufficient Security in the Sum of Two hundred pounds for his good behaviour a

year and a day which Judgement was given by ocasion of Certain words Spoken at Sandy Point which were uttered thro inadvertency heat and passion and farr from any such sinister designs as in the Judgement was suggested and when in Truth such words ought not to have been spoken or uttered and for which he is praying that his Sentance might be remitted promising for the future to behave himself with the greatest Care and repect Imaginable

Ordered that the Petition lye til the next Sitting of the Council for their further Consideration

Read the Petition of Owen McKDaniel referred to the Next Council Complaint being made by John Hoyter Chief man of the Chowan Indians that several of the white people are continually intrudeing upon their Land and the same hath never been so determinatly bounded and ascertained pursuant to the grants made to them by the Government

Its therefore ordered by this Board that all the several grants made by the Government be laid before Frederick Jones Esqr and that he determinatly and finally lay out and Ascertaine the bounds for the s^d Indians without any regard to survey or grants made to any other claimers since the first Grants to those Indians

The Governor haveing laid before this Board several Letters Depositions and papers relateing to Mr Ebenezar Taylor Deced concerning his Death and the disposal of his moneys and goods

Which they haveing duely Considered of are of opinion that foul practices have been used therein and Doe therefore desire and order that Mr Chief Justice Jones make a very strict enquirey into that matter that the Offenders may be brought to speedy Justice

By Order

J LOVICK Secty

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.—(EXTRACT)

NORTH CAROLINA April 25th 1720

Mr. Taylor my fellow laborer after having tried many places in the country and endured much went last autumn to the other country where he was much wanted but meeting with no better usage at Bath-town the place he first set down in was for shifting as he had done here from place to place, & in his way to Choe Sound, the Southernmost set-

tlement in the Government went on Shore on Harbour Island which is not inhabited, about 30 miles from any inhabitants, in the mouth of Neuse River. Where after having been ten days and nights in an open boat he perished thro' cold last February; there were some people on the island hunting for hogs, that had been placed there, who with those that went with him buried him, and then rifled his chests, and divided the spoils, and are not to be brought to any account. Some of them have been purged by oaths but that is of little force with a North Carolina Man (such executors a man must expect that dies here) Nay! when alive and leaves the country, and leaves anything behind him, will fare little better, for upon my resolving to come home I treated with several about my plantation and was like to have been bubbled, It is hoped I shall leave it unsold, and then I may expect a blessed account of it, as well as the money that is due to me. This precinct owes me £243. 80^s whereof was due last new years day, but as yet not paid me nor do I know when will, the rest has been due these 5 years but its pretended it cannot be raised without a new power additional to the act of Vestry which must be done by the Assmby; which was to have met the first week in May next, but I understand it will be prorogued for reasons of state, I suppose to see the effect of the revolution in South Carolina, who have revolted from the Lord Proprietors & will own no power but that of the King: rather than come away before I have tried the utmost, I am willing to stay though I hazard my health, another Summer, but come what will, I am resolved to Quit next Spring if God spare me life and health I shall continue to labour in this fruitless vineyard till then and I hope that my staying longer than I either care or am obliged will not be deemed a fault. The sober thinking part of the people which God knows are but few are very much dissatisfied, with my thoughts of leaving them quite destitute after having brought the country into a little order. It will be a great grief to them say some, not to go to hearing and to enjoy the other rites of the Church as to have their children baptized &c. &c., and truly its a melancholy, dejecting thought but till better provision be made and more regard to our function, there is no remedy, they are for trying to bring the generality of the Inhabitants, to make some new overtures, which you may be assured, I shall promote for the sake of our successors, but I do not expect they will be such as will detain me & cause me to alter my intentions, I should be glad to have a line or two from you could it come in less time than the last did, there are frequent opportunities to Boston in New England and the like from hence hither, Except in the depth of winter—

The Coll^r There Mr Jekyll is my correspondant, and will take care of all letters to as well as from Sir your most humble Servant

JOHN URMSTONE.

[B. P. R. O. B. T. VIRGINIA. VOL. 61—EXTRACTS.]

VIRGINIA

JOURNAL OF THE COUNCIL.

At a Council held in the Capitol the 4th day of May 1720.

A Letter to the Governour from Coll^o Eden Governour of North Carolina, being read at the Board together with a scurrilous paper Entitled An Account of a Conference with King Blunt Chief of the Tuscarura Indians; And it appearing by the said paper that the same hath been framed with design to throw unjust Reflections on the Government of this Dominion. It is ordered that the said Paper and Coll^o Eden's letter be entered on the Council books that the same may remain as a Memorial to Posterity of the ingratitude of that Province for the generous Assistance it has on sundry occasions received from this Government.

The Governour having Communicated to the Council a Letter from Coll^o James Moor pretending himself to be the Governor of South Carolina by the choice of the people. And it not appearing by the said Letter that the people of South Carolina have acted by any lawful Authority in the displacing of their former Governor and assuming to themselves the power of choosing another. It is the opinion of this Board that no Answer be returned to the said Letter.

[FROM THE SPOTSWOOD LETTERS. VOL. II. P. 336.]

May ye 20th 1720

To the Board of Trade:

My Lords:

* * * * *

As to what yo'r Lord'ps are pleased to require in y'r Letter of the 7th of Aug'st, relating to the Boundarys of the Colony, and what Eneerachments have been made thereon by the Subjects of any floreign Prince, I humbly take leave to inform Your Lord'ps that I find here a Charter granted by King James ye 1st, dated ye 23^d of May, in the 7th year of

his Reign, whereby there is given to the Company of Adventurers for ye Colony of Virginia, all that Tract of Land from Cape Comfort, two hundred Miles Northward along the Sea Coast, and extending from Sea to Sea, West and North West, w^{ch} w^{ll} comprehend all that Tract from the Bounds of the Carolina Charter to some part of Pensilvania, and consequently include most of the Lakes and great part of the head Branches of Mississippi. In w^{ch} Space Westward of Us, I don't know that the French have yet any Settlements, nor that any other European Nation ever had, neither is it probable that the French, from their new Plantation, will be able in some Y^{rs} to reach the Southern Boundaries mentioned in the Charter of Virginia. As to any Encroachments from the Canada side, since the Grant of Pensilvania extends 5 Degrees Westw^d from Delaware River, if the French have now any Settlem^t on the Lake Ontario, it is probable these w^{ll} fall within ye Limits of ye Pensilvania Charter, w^{ch} being of a later date than the French Discoverys in Canada, may admit of some dispute; but I am humbly of Opinion that the Charter Granted to the first Inhabitants of Virginia, being long before the French had any footing in America, may be justly insisted on to exclude them from any pretension to the Territory comprehended in that Grant. The greatest danger of Encroachm^{ts} is on the side of South Carolina; The French Settlements on Mississippi being expressly within the Charter of that Province, and their apparent design being to extend themselves towards the Inhabited part of that Country, seeing the last Advices I have from thence say that the French have formed a Settlement at ye Habbamalas, w^{ch} w^{ll} greatly strengthen the people of Carolina in their Indian Trade, and may in time prove more dangerous to them in case of a Rupture wth the Crown of France. This has so alarmed that Province that it is pretended to be the principal ground of that Revolution there, wth w^{ch}, I presume, Yo^r Lord^{ps} are by this time fully acquainted; and tho' I can't think Subjects are to be indulged in the practice of throwing off a Lawfull Authority and setting up a new frame of Government for themselves, and for that Reason have declined answering the Letter Colo James Moor sent me notifying me of the People's Election of him for their Governor. Yet if, (as they allege,) their Proprietors are unable or unwilling to protect them, it w^{ll} deserve the attention of his Maj^{ty}'s Ministers to preserve so considerable a Province from falling into the hands of a fforeign Power.

[B. P. R. O. SHAFTESBURY PAPERS. BDLE. 48. No. 106.]

Madam,

The day your Ladyship went to Beachworth I was at Kensington to wait upon you; intending at the same time to inform you that we have had a Proposall made to us with respect to Carolina, of so much advantage to the Proprietors that my single share may amount to Thirty Thousand Pound. The Terms of Agreement your Ladysp: will find inclosed They are drawn into Form, and already signed by Lady Granville for her son My Lord Carteret; by M^r Bertie Guardian to the Duke of Beaufort; by M^r Danton and my self. I expect opposition from some of the Ministry And since it has been rumour'd abroad that the Proprietors were upon some project of this sort I have had a message from Secretary Craggs to know upon what Terms we would part with our Interest in the Province. Before this was thus rumoured abroad, They took no notice of us, imagining to distress us, and make us part with it, for little or Nothing, to them. Then woud all the advantage be their own, either by disposing of the Province by Subscription, or by giving it up to the South Sea for ten times as much as they would allow the Proprietors whose Familys raised this Province to England. There's no doubt of our succeeding in case the Court favours us, or but let us alone. I have no reason to question your Ladysps interesting yourself in this matter if it were only a concern of mine; but I think it must needs be of more weight with those you apply to in case your Ladysp. can speak of it as a concern of your son and his family; and to enable your Ladysp. to treat it as such, I doe assure you I will give any Security that it shall be so If we can obtain what may be worth securing. I begg your Ladysp therefore that since we have a prospect of obtaining something soe considerable you would please to interceed with L^d Stanhope and others for their favour upon this occasion to my Nevew and his Family. And I propose to your Ladysp. whether it would not be proper to acquaint Judge Eyre with the thing and desire his assistance in it. Your Ldsp. may observe the advantage likely to be made by the Gentleⁿ concerned in the Bahama Islands; and who have only a Lease from us are the Prop^{rs} The Carolinas are a foundation for a much greater thing, and are of ten times the value: And no man has a just title to anything if the Proprietors have not a Title to Carolina. We make no secret of our being in Treaty for Carolina, but we mention no particulars.

Give me leave now Madame to make your Ladysp a request for our Brother Proprietor Danton. He has a mind to be concerned a thousand pound in the next subscription into the South Sea, He desires your Ladysp's recommendation and gave me the enclosed List of Names. If your Ladysp have any acquaintance with any of the Gentlemen, he desires your Ladysp to request the favour of a thousand pound in the subscription for me. And I willingly lend him my name. If your Ladysp. think proper to make the request. He hopes to have your Ladysps Answer soon.

I begg your Ladysp to present my humble service all good wishes to my Nevew; and to my Cozen Fenwick and I am

Madam your Ladysps
sincerely affectionate Brother
and most obedient Humble Servant

M. ASHLEY

London June the 4th 1720.

[B. P. R. O. SHAFTESBURY PAPERS. BDL. 48. No. 106.]

WEDNESDAY May 25 1720

- | | |
|---|--|
| 1. The Proprietors to part with their Rights, Powers, &c. (except what they have already granted) in consideration of 250,000£ | (No. 1.) Agreed to. the unserved 32. Baronys being given up by the Proprietors |
| 2. In case a Charter cannot be procured to abate 20,000£ of the aforesaid sum. | (No. 2.) Agreed to on both sides. |
| 3. The Prop ^{rs} to be allowed a Liberty to subscribe into the Joynt stock a share not exceeding $\frac{1}{4}$ th part of the whole | (No. 3) Agreed to |
| 4. If the Province be disposed of All together. The Advantage over and above the purchase money paid to the Prop ^{rs} to be equally divided between the Prop ^{rs} and Purchasers. | (No. 4) Agreed to |
| 5. If the Province be disposed of by subscription the Prop ^{rs} to be allowed $\frac{1}{3}$ rd part of the advantage. The purchasers two Thirds | (No. 5) Agreed |

- | | |
|--|---|
| 6. One Month to be allowed for taking or refusing. | (Nos. 6. & 7 & 8.) Instead of these Articles agreed that three months be allowed for taking or refusing |
| 7. If the Purchasers accept at the months end, Then to pay down in part of Paym ^t the sum of 10,000£. | And that upon accepting 10,000£ be paid down. |
| 8. The rest to be paid upon signing for which three months to be allowed. | And that the rest be paid upon signing. |
| 9. The Lord Carteret Palatine and the rest of the Prop ^{rs} to be Partys in the Govern ^{mt} of the Province, and to be eight of the Managers of the Company's affairs during the term of three years | (No. 9.) Agreed |

[FROM POLLOCK'S LETTER BOOK.]

CHOWAN July 15th 1720

Sir

Yours of June 22^d is now before me: and I believe it will be very convenient to have the cows branded as you advise lest there should be some controversy about them: as for the sale of Lots in town; I had a draught of the town of Mr Lawson's drawing, with most of the river lots laid out, with the account which of them were taken up and since you went from here have been at some pains in looking for it, but can not yet find it. Wherefore have enclosed a power of attorney to sell and dispose of lots, each of half an acre of land, at 20 shillings per lot; to run the same length back from the river as those already laid out, that there may be no encroachment on the streets, and straight with the river lines of the other lots; and none to be taken up between the lots already taken up and the dwelling house where the Doctor dwells, but on the other side of the lots taken up: and provided that if any person, having a lot, decease without any heirs, or disposing of it in his life time by will, sale, gift or any other ways that then it shall fall come and revert to me, my heirs, or assign: and also provided, that if they do not build or erect or cause to be builded or erected on each lot of half an acre aforesaid one habitable dwelling house not less than fifteen foot square, within eighteen months of the date of the conveyance; that they shall forfeit their lot, and that it may be free for me, my heirs and assigns to let any other person have it,

Also I am willing that each person that hath a lot may have sufficient estovers for building and fire wood upon any part of the land, until I lay out one hundred acres for a common, which I intend to do as soon as there is twenty lots settled.

Also I am very willing to allow one acre of ground to be laid out for a church or Chapel, and court house in such convenient place as you and the people shall think most convenient, not encroaching upon no street.

Also I shall be willing that any person, that settles a lot within eighteen months from the date hereof, shall have liberty to clear plant and tend three acres of woodland ground for five years next ensuing with this condition, that they shall not clear within a quarter of a mile of the dwelling where the Doctor now lives; and each person that clears to clear in one place adjoining one upon another, and that each shall leave it at the end of five years under good sufficient fence. As for Doctor Thomas; to the best of my memory Col Brice informed me he was to take care of what orchard was there, and other things, and to leave it under good fence, and the house under good repair, and if he had taken any care to keep it in repair it could not have been in the condition you writ. Howsoever please to give me an account by your next, of the length breadth, and height, of the house, whether one story only or two stories high, and what you think will repair it and make it a good house; and I shall expect something of the Doctor towards the reparation, but he shall find I shall not be out of reason with him; otherwise, he must expect to be subpoenaed to chancery to answer it, and seeing he is intended to remove, I believe it would do well, if you could let it to some honest man. Mr Metcalf hath writ to me thereanent; he is willing to take it but being altogether a stranger to me, I leave it to you. I would let them that take it have a third part of the increase of cattle, to be shared at the end of the lease, being five years, and one half of the increase of hogs to be shared when fitting to kill once in two years. And if you do let it, I would willingly put 10 sows and pigs and a boar, which if there come so much into your hands of mine, please to purchase; if not please to charge a not on me, and I will satisfy it. And if you meet with any honest man to let the town to you may take the six pound that Mr Graves owes in stock for them, either in Cows and Calves, or sows and pigs, as also 57 shillings which your father owes me for nineteen quarts of rum your father had of mine from Henry Tyfles in the war times.

As for the table and cupboards, you may make use of them. I believe I shall not differ in the price.

Also; having, before this, given orders to adam Moore to sell all the brock truck? horses only leaving one of the best; what is made of them, (if you get a tenant for the town) may be laid out in stock of hogs and cattle for the town as aforesaid, as four pound three or four shillings, which he is to have of Mr Jacob Miller; only reserving to himself for his own trouble. Also if you have any correspondence at Core Sound, I would entreat the favor of you to receive three pound of widow Stone which is due to me for the rent of Crany Island, Captⁿ Stone haven taken it of me last fall at that rent, having allowed me for what time he had it before 100 weight of cocoa. And if she do not keep it any longer, I understand that one Simpson that lives at coor Sound is willing to take it. If you understand that he is honest and industrious, please to let it to him on the same lay for hogs and cattle as at the town of New Berne: and that if he can purchase ten cows and calves there at the common price, and charge a not upon me, I will pay it either in bills or pitch; and if he can contrive any shelter, as soon as I hear that he is settled I will send round nails, and satisfy any carpenter for building him a dwelling house.

You did very well not to dislodge the palatines, and I should not desire the plank to be taken from them until they remove.

I understand that Col. Brice had some of the plank. Please enquire about [it]

I have only to request one favor more of you, which is if possible you can have a conveniency, not to neglect to send round to me the biggest pair of the mill-stones of mine that lay at the town; or; if not them the smallest pair, which will very much oblige

Your—

Sir

As for the lots: if the divissions are not known, each person must pay for the laying out of his own lot: and the best way is to distinguish the lots beginning at those next to the dwelling-house, No 1; 2; 3; and so forth, or No a: b: c; et cet.

T. P.

[B. P. R. O. B. T. JOURNALS. VOL. 30. P. 352.]

WHITEHALL, Thursday 15th Sept. 1720.

Mr Boon Agent for Carolina and Col. Barnwell attending acquainted the Board that upon some advertisements now published by Sir Robt. Montgomery they were apprehensive that some disputes might arise

between the Officers or forces expected to be sent by His Majesty to that Province and such persons as Sir Robert may send to the Golden Islands one of which islands lies in the mouth of the river Alatomah which has been proposed to be secured whereupon their Lordships signified to those gentlemen that the government of Carolina being provisionally assur'd to the Crown no power of government derived from the Lords Proprietors could at present interfere with his majesty's authority but that in this affair their proper application would be to the Lords Justices.

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss

Att a Council held in the Towne in Mattercomack Creek the 4th day of August Anno Dⁿⁱ 1720

Present the Hon^{ble} Charles Eden Esq^r Governor et

Thomas Pollock	} Esq ^r L ^{ds} propr ^{ts} Deputys
William Reed	
ffrancis ffoster	
John Lovick	

Read the petition of Cullen Pollock shewing that he formerly Lapsed a Tract of Land Containing 640 acres on the North side of Moratock river which was patented in one Richard Paces name and that Co^{ll} Maule in his making a Resurvey for the Petitioner on the s^d Land for want of knowing the line Trees left out of the Tract near thirty acres and Rich^d Pace from whom it was Lapsed now Entered the same and surveyed it

And the petitioner beleiveing that since the lapse was granted him for the whole Tract and that piece taken up as afors^d left out by M^r Maule's mistake he hopes it noe ways barrs him of his right therefore humbly prays that the Land so left out of the Tract lapsed by the petitioner by Co^{ll} Maules mistake may be granted to him

Ordered that the same be granted accordingly

Adjourned to Saturday the 6th of August

August y^e 6th met again present as above together with Richard Sanderson Esq^r

Read the Petition of the Inhabitants of Craven precinct Setting forth Divers inconveniences they labour under by reason of the time of their precinct Court sittings it happening so that when any person has business at that Court and the General Court they are so close one upon the

other that it is impossible considering the distance to attend them both which very often renders them lyable to fines and other Damages they therefore prays that the time of the precinct Courts sitting may be altered so as to prevent the hardships

Which being considered by this Board Ordered that for the future the Courts for the precinct of Craven be held on the same Tuesdays in the proceeding Months that it formerly was appointed at

Read the Petition of William Grey shewing that William Browne in the year 1712 obtained a patent for 600 Acres of Land lying on Moratock which is Lapsed for want of seating and planting as the Lawe directing praying a Lapse patent may be granted to him for the same

Ordered that the same be granted as prayed for

Read the Petition of Richard Sanderson Esq^r shewing that Joseph Sanderson in the yeare 1712 Obtained a patent for 68 Acres lying on Couratuck which is lapsed for want of seating and planting praying a Lapse patent for the same may be granted to him

Ordered that a Lapse patent doe Issue as prayed for

Upon Petition of Major Robert West shewing that in yeare 1717 Thomas West obtained a patent for 550 Acres of Land lying at the head of Salmon Creek which is Lapsed for want of due seating and planting praying a Lapse patent may be granted him for y^e same

Ordered that a Lapse patent Issue as prayed for

The Petition of John Plowman was read setting forth that Jacob Hardy some time in July in the year 1717 Obtained a patent for 640 Acres which is Lapsed for want of seating and planting according to the Tenor of the s^d patent praying a Lapse patent may be granted to him for the same.

Granted as prayed for

Read the Petition of William Haughton Shewing That Francis Beasley in the year 1717 sold the petitioner a Tract of land lying Yawpin and give him a ffrme Deed for the same which is acknowledged and registered in Chowan Court and the petitioner has actualy and Bona fide paid for the same but sometime after the sale there arising a dispute wether the s^d Beasley could Lawfully sell the same upon which the s^d Beasley to make the petitioner asy was at the Expense of getting a Writt of Escheat on the same and on the 2^d day of April 1719 by a jury thereunto Lawfully Sworne was found to Escheat and that the right was in him the s^d Beasley which inquisition is returned into the Secretary Office in order that a patent might have Issued on the same but before that would be obtained the s^d Beasley dyed now the petitioner haveing such

right as is sett forth and the Ex^{ors} to the s^d Beesly and all persons concerned knowing the same and being desirous that a firme title to the s^d Land should be made him he humbly prays the Escheat patent may be ordered to come out in the petitioners name all persons concerned being Consenting thereto

Ordered that the Secretary make out y^e patent in the s^d W^m Houghtons Names as prayed for he paying the Composition money thereof

John Petiver haveing produced to this Board Two depositions Sworne before a Lawful Magistrate which say that the Land lapsed from the said Petiver by David Sherwood was in May or June 1719 Cleared ffenced and Tended with a sufficient House thereon according to Lawe which this Board allowing off

Ordered that the s^d Sherwoods Petition be rejected and that the s^d Petiver enjoy his Land without further Mollestation.

Upon Petition of Richard Winkfield setting forth that he purchased of one John Brice a survey for 250 Acres of Land lying in Hyde precinct on head of Jones Creek which he hath continued the possession of for this 11 years past and paid Taxes and Quit rents for the same together with purchase money yet nevertheless the petitioner could never obtaine a patent for y^e same by reason of a Caveat lodged in the Secretarys office by Co^{ll} Frederick Jones without any manner of reason for so doing the petitioner therefore prays that the Secretary may notwithstanding the s^d Caveat Issue a pattent on the survey afors^d in his name

Whereupon Co^{ll} Jones appeared and informed this Board that the Land mentioned by the Petitioner was part of survey that belonged to him which was Conniveingly taken out of his survey by the surveyor that laid out the same

And the matter being duely considered by this Board Ordered that a Resurvey be made on Co^{ll} Fred Jones Tract of Land and if there be above the Quantity mentioned in his patent of 1990 acres in the s^d survey that then the s^d Winkfield have a patent for the overpluss

A warrant being produced to this Board by George Durant which had been laid in Deputy surveyors hands on Land at Deep Creek Issued in Governor Harveys Administrations And the s^d Deputy refusing to make the survey thereon by reason the Warrant was not renewed and in the meane time anotler person haveing taken out a new Warrant for the s^d Land M^r Durant as by his Petitions desires the Opinion of this Board whether he hath not the best right to the s^d Land

And this Board haveing duely considered the same and it appeareing to be thro the negligence of the surveyor that the s^d Warrant was not renewed.

Ordered that the Secretary renew the s^d Warrant and that the survey^r General or his Deputy survey the afor^s Land for the s^d George Durant as haveing lodged the first Warrant

The Petition of Cornelius Fitzpatrick y^e younger was read shewing that his Father Cornelius obtained a patent for 190 Acres lying in Alligator Creek which is lapsed for want of due seating and planting praying a Lapse patent may be granted for the same

Ordered that the same be granted as prayed for

Thomas Taylor Marriner appeared before this Board upon a warrant from the Honble the Governor for his Assaulting and missuseing a negro man belonging to Co^{ll} Fred Jones without any manner of provocation which being fully proved against him by Two substantial Evidences

Ordered that he remaine in the hands of the Marshal til he give good and sufficient security in the sum of one hundred pound that he appear at y^e next General Court to be held for this province to answer the same and not depart without leave of the Court and that he be of his good behaviour of the meane time

Adjourned to Fryday the 12th August

Fryday 12th met again present as before

Upon Petition of Mary Walloway shewing that James Williamson (who married the Widowe of Thomas Snoden de^{cd}) had sold a servant boy named William Jawson which had been bound by Chowan Precinct Court to the s^d Thomas Snoden into the Government of Verginia

And the s^d Williamson appearing and not denying the sale of the s^d Boys Indentures only alledging that it was done at y^e Instance of the s^d Mary Walloway who was mother to the s^d Boy

This Board haveing considered of the same doe order that the s^d Williamson without fail take care to have the said William Jorson before the precinct Court of Chowan at the next meeting that such Judgment may be given thereof by them as is agreeable to Lawe

The Petition of Elizebeth Jones was read Shewing et

Ordered that if noe warrants and rights for the s^d Land can be found in Secretary Office that they be renewed and that a patent doe Issue for the orphan as prayed for

J. LOVICK Secretary

[B. P. R. O. B. T. SOUTH CAROLINA. VOL. 25. P. 31.]

REPRESENTATION WITH A DRAUGHT OF INSTRUCTIONS
FOR A GOVERNOR OF CAROLINA, APPOINTED
BY THE KING AND RELATING TO THE
STATE OF DEFENCE OF THAT PRO-
VINCE AND OF NOVA SCOTIA.

August 30th 1720.

To their Excell^s the Lords Justices

May it please your Excell^{lys}

Having in obedience to your Excellencies order in Council laid before your Excellencies the 16th Instant the draught of a Commission for such Person as his Majesty shall think fit to appoint his Governor of Carolina, we now take leave to lay before you the Draught of Instructions for the said Governor together with the usual Instructions relating to the Acts of Trade and Navigation.

And as your Excellencies were pleased to direct us to offer you our opinion concerning the proper measures necessary to be taken at this Juncture for y^e Defence and security of the said Province, we have carefully examined into the present condition thereof, and altho' we are at this time preparing a Representation to be laid before your Excellencies concerning the state of all the British Colonies on the continent of America to which we shall hereafter subjoin our thoughts concerning the Islands likewise, yet as this is a work which must naturally require much consideration, we thought we should not mispend your Excellencies time, if we so far anticipated our General Report as to lay hold of this occasion to give you our opinion concerning certain matters relating to Carolina and Nova Scotia the two Frontiers of the British Empire in America to the North and to the South, which being both of them at this time in the utmost disorder do naturally demand your Excellencies more immediate care and protection, reserving to ourselves nevertheless an opportunity of giving your Excell: our thoughts more at large concerning those two Provinces in the General Representation which we shall with all convenient speed have the honour to lay before you.

In our letter to your Excell: of the 16th Instant which accompanied the Draught of a Commission for his Majesty's Governor of Carolina, We observed to your Excellencies that Carolina was at present divided into two different Provinces, and that it might in our Opinion be for his

Maj^{ty}s service to appoint a Lieutenant Governor of North Carolina subject to such orders as he should from time to time receive from the Governor of South Carolina as his superior officer, and this we take the liberty now to repeat as a matter wherein no time should be lost; and your Excellencies will be pleased to observe, that in the Draught of the Instructions herewith sent your Excell: there is a Reference to the Commission and Instructions for the said Lieut: Governor of North Carolina.

But considering the great disorder, this province at present labours under, that the People are unsettled, that they have lately shaken off the Proprietors Government, as incapable of affording them protection, that the Inhabitants are exposed to incursions of the Barbarous Indians, to the encroachments of their european neighbours and that the whole Province was lately in danger of being massacred by their own slaves, who are two numerous in proportion to the white men there; We do conceive it to be absolutely necessary for the preservation of this Colony that his Majesty should forthwith send four batalions of Foot thither at least, together with a considerable number of great guns, and proportionable quantity of warlike stores for the several Forts proposed by us to be built there, wherein we humbly conceive no time should be lost.

What we have further to propose to your Excell: upon this occasion is that two great seals should forthwith be prepared to be used in the two Provinces of South and North Carolina and Commissions for trying of Pirates in both the said Provinces.

All, which is most humbly submitted

Whitehall
August 30th 1720.

WESTMORLAND
J. CHETWYND
CHA. COOKE
P. DOCMINIQUE
MARTIN BLADEN.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 1. A. 17.]

MEMORIAL FROM M^r BOONE AND BARNWELL, IN RELATION TO NORTH CAROLINA

NOVEMBER 23rd 1720.

May it please your Lordships,

Having received a letter from your Lordship's secretary directing us to attend your Lordships in order to give some Account of the bounds of North Carolina and the produce of the same, now to avoid any mis-

take that may happen in answering such questions as may be put to us, we thought it convenient to reduce to writing what we know of that province and if upon perusing the same your Lords^{ps} find anything that wants explanation then we shall give the best answers we can to your Lords^{ps} satisfactⁿ

North Carolina was always part of Virginia untill the year 1667 when K. Charles y^e 2^d granted it in favour of the Proprietors of Carolina and added it by his charter to that Province. For it was in that part that S^r Walter Raleigh's servants made their first settlement at a place called Roanoke.

The North Boundary that separates it from the west of Virginia is by the said Charter settled thus viz^t A line beginning at the north end of Curratuck Inlett and so west to Wyanoke Creek in or about the latitude of 36 degrees and thirty minutes north latitude and soe in a due west line from thence to the south sea. The south and west bounds of North Carolina seperating it from South Carolina is the western or main branch of a large river falling into the Ocean att Cape Fear, and is Known by the name of Cape Fear River, all the lands lying to the south and west of the said river belonging to South Carolina.

We are to observe to your Lordships that the bounds between North Carolina and Virginia were never well ascertained, for though there were Comm^{rs} appointed in the late reign about the year 1710 yet they neither could agree about the latitude, or about which was the reall Creek called Wyanoke, for those Indians called Wyanoak removing from place to place occasioned severall Creeks to be named after them—and the words of the charter that names the latitude in or about rather puzzled the Commissioners then directed them, for North Carolina Com^{rs} interpreted the words in their favour and so did the Virginians, and it was the opinion of most people that an arbitrary decision of the dispute must be made by his Maj^{ty} Coll. Barnwell being about that time in North Carolina was made acquainted with the whole matter, being desired to be one of the Comm^{rs} but declined the same

The south boundarys have also admitted of disputes for the Proprietors having in severall Com^{ons} named only Cape Feare as the boundary without mentioning the river, has given opportunities to wicked persons trading with the Indians in those parts, to declare they were under this or that Government as best suited with their views, but of late the Government of South Carolina have granted Lands as far ye River of Cape Fear. The Government of North Carolina very nearly represented that

in Virginia, for they are divided into two Countys and 7 Precincts each having petty Courts and Jurisdictions with Appeals to the generall Court above certain values held by the Governor and Councill (and not as in South Carolina were the lives and fortunes of his Majesty's subjects in that whole province were subject to the arbitrary judgement of a single Person without any appeal but to himself.)

Tho' there is a great quantity of good Land there and the Country very healthy, yet its situation renders it for ever uncapable of being a place of any consequence, for there lies a vast sound of 60 mile over between it and y^e sea which break into the same thro' a chain of sand banks with barrs so shifting and shallow that sloops of 5 feet water runs great risqs, and if it sometimes happens that they have 8 or 10 feet water the next storm may alter it so, and perhaps in the very Chanell rise an island of sand as is really dreadfull and surprising This renders the place uncapable of a Trade to great Brittain and what is carryed on is by small sloops from New England who brings them cloathing and Iron wear and exports Pork and Corn of late they made ab^t 6000 barrells of pitch and tarre which the New England sloops carry first to New England and then to Great Brittain.

The number of inhabitants we can't positively tell but their Tithables or those paying taxes are about 1600, they are most whites, having not 500 blacks in the Government, and those in a few peoples hands, this place is the receptacle of all the vagabouns & runaways of the main land of America for which reason and for their entertaining Pirates they are justly condemned by their neighbours, for which reason and that they may be under good Governmen^t and be made usefull to the rest of his Majesty's Colloyns it would be proper to joyn the same again to Virginia All which is most humbly submitted to your Lordship's better judgment by your Lordship's

Most obedient servant

JOSEPH BOONE.
JNO. BARNWELL.

[COUNCIL JOURNAL.]

Att a council held at the house of the Hon^{ble} the Governor Decemb^r the 3^d Anno 1720

Present

The Hon ^{ble} Charles Eden Esq ^r	Governor Cap ^t General and Admiral
Tho ^o Pollock	} Esq ^r L ^{ds} prop ^{trs} Deputy
ffred Jones	
Rich ^d Sanderson	
John Lovick	

Mathew Wolf Master of the sloop George together with Thomas Predeaux Master of the sloop Hopewell made their appearance who being Examined upon Oath declare Viz^t Mathew Wolf saith

That some time about the 18th of October last he set away from Rhode Island in his sloop the George Bound to North Carolina and on his way meeting with contrary winds about the 20th of November last for the sake of a Harbour he put into Virginia where he lay five days and that soon after this Exam^t arrival there he waited on the Officers of the Customs at the port of Hampton to desire leave to lye while the winds Offered for the port he was bound toe which being granted this Exam^t fell into discourse with M^r Henry Irvin the Naval Officer and whilst he was talking with him one Samuel Butler in a sloop from New England Bound likewise to North Carolina in order to procure a License to Whale came also to the s^d M^r Irvin for leave to lye in the port til the wind offered and this Exam^t further saith that he heard the s^d Irvin tell the s^d Butler that the Governor of North Carolina had no power to grant any Licenses for Whaleing but that the Governor of Virginia had the sole authority of Whaleing as far as Cape Fear and that all vessels ought to have their orders from him (meaning the Governor of Virginia) for Whaleing and advise the s^d Butler to make a journey to the Governor of Virginia at Williamsburg to obtain Licence from him for fishing in North Carolina saying withal that if they ketched any Fish without the Governor of Verginia's orders if he found any of the Oyle or bone he would seize it which so Terrified the s^d Butler that he was at a loss for some time what to doe in the business and that the s^d Butler had discoursed with this Examina^t about the same who advised him by all means to set away for Carolina assuring him that he believed the Governor there would not only grant him a License to whale but would Protect him likewise.

MATHEW WOLFE

And Thomas Predeaux haveing heard the afors^d Examination read to him saith that he heard the s^d Mr Irvin declare the substance of what is sworne by the afors^d Mathew Wolfe savinge that he understood M^r Irvin when speaking of the Governor of North Carolina's Authority about whaleing that his words were (that he did not know by what authority

the s^d Governor granted Licences and that when he mentioned the seizing the Oyle and bone if they whaled without the Governor of Virginia's Authority he understood him the s^d Irvin that he would send and seize it

THOMAS PREDEAUX

Which Examination haveing been duly Considered by this Board and the ill Consequences of such threats to the Trade and Wellfare of the Government Its there desire that the Governor would Transmit the above Examination home to the Lords proprietors praying their Lordps to let them know their Sentiment of such useage

By Order

J. LOVICK Secretary

[RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer held for the s^d Province at the Gen^l Court House at Queen Ann's Creek in Chowan Precinct the 31st March 1720 & continued by adjournm^t to the 2^d day of April following
Present ffredrick Jones Esq^r Chief Justice

Jn ^o Blount	} Esq ^{rs} Justices
Jn ^o Palin	
Jam ^s Beazley	
Tho ^s Pollock Jun ^r	

The Grand Jury are Impannelled & Sworn

Tho^s Betterly fforeman

Tho^s Rountree Hen^{ry} Clayton Edw^d Wingate, Tho^s Blichendon, Jn^o Jordan, Jam^s Williamson, W^m Downing, Jn^o Williams, Tho^s Jernigan, Isaac Hill, Jn^o Worsland Lar^s Thomas, Edw^d Howcott, Martin ffrank, Sam^l Pagett, Tho^s Garrett, Tho^s Hoskins, Tho^s Matthews Rob^t Lanier Tho^s Masters

Upon the Return of the Grand Jury they present the following Indictm^t:

To the Hon^{ble} ffredrick Jones Esq^r Ch: Justice and to the rest of the Justices for holding the Gen^l Court of North Carolina.

The Jurors for our Sovereign Lord the King present Magdalen Collar als Dick Collar als Coliar of the Precinct of Chowan in the County of Albemarle in the province afs^d with malice prepensed by force & Armes & against the Peace of our Sovereign Lord the King that now is she did murder and privately bury and conceal the death of a Bastard Child which she brought forth and was delivered of.

For that the s^d Madalin Collar als Diet Collard als Colliar on the four & twentieth day of Nov^r 1719 at night was privately delivered of a Bastard child born alive and the next morning being the five and twentieth day of Nov^r afs^d did bury the s^d Child by force & armes &c against the Peace &c and against the Royall Crown & Dignity & against the Laws & Statutes in such behalf made & provided &c

DANⁿ RICHARDSON P Duo Rege

Billa Vera

THO^s BETTERLY fforeman

To which Indictm^t the s^d Madalin Colliar being calld appeared in Custody at the Barr & Pleaded not Guilty & for Tryall putt herself upon the Country which is referred till tomorrow morning

Jn^o Relf acknowledges himself to be indebted to our Sovereign Lord the King in the sum of thirty pounds to be levyed upon his lands & tenem^{ts} goods & Chattells with condition that if the said Jn^o Relf shall appear here the 3^d day of the next Genⁿ Court and answer the Complaint of M^r Edm^d Gale and not depart the Court untill discharged therefrom then this Recognizance to be void else to stand and be in full force

Adjourned till tomorrow morning ten a clock ffriday April y^e 1st 1720
Mett according to adjournm^t Pres^t as before

Read the Indictm^t found by the Grand Jury Yesterday agst Magdalin Colliar to which she had pleaded and being Calld appeard in Custody at the Barr. Then it was com^danded the Marshall that he should cause to com Twelve &^e by whome &^e who neither &c And there came Henry Speller Hen^{ry} Bonner Patrick Waule, Tho^s Luten Jun^r Tho^s Paris ffra^s Branch, W^m Bonnor, W^m Haughton Lewis Skinner, W^m Haveth Jn^o ffalconar & Tho^s Yates who to speak the truth of and upon the premises Chosen tryed & sworne say upon their oath That she is Guilty of the murder by which she stands Indicted

Judgem^t to be hangd

Then the Jurors being asked what goods & chattells the s^d Magdalin Colliar had at the time she comitted the murder answered none that they knew of.

The court adjourned till tomorrow morning Ten a Clock

Satturday Apⁿ y^e 2^d 1720

The Court mett according to adjournm^t Pres^t as before

The Grand Jury present the following presentm^t to the Court

Jn^o Blount Esq^r one of the Majestrate for holding the Genⁿ Court for the said Province Informs the Grand Jury that on or about the first day of ffeb^{ry} last past & severall times after one Jeremiah Vail of the Pre-

cinct of Chowan in the County of albemarle in the afores^d Province Mariner agst the Peace of Sovereign Lord the King that now is did utter and speak divers scandalous false & abusive words to & agst him being then Majestrate as abovesaid to the great scandall & discouragem^t of the same Province Viz: That he had perfidiously told the Court (meaning the last Gen^l Court of which he was then a member & in which he then satt as a Justice & member thereof a parcell of Lyes agst him the s^d Vail & that severall of the members (meaning the other Justices then sitting with him) would Testify & that the words before^d or words to the same effect was vehemently charged on him by the s^d Vail.

Thomas Betterly Informs the Grand Jury that on the 16th day of this Inst^t March being at the Dwelling House of Rich^d Grills lately Deceas^d Tho^s Bray did then & there out of a Malicious & Evil Intention with force & armes Clubbs &° did assault the s^d Tho^s Betterly & did beat bruise & Evil Intreat & did then & there threaten to kill the said Betterley & Villify him by calling him a rogue & a rascally Justice of the Peace thereby reflecting upon the Governm^t the s^d Betterley being then a Justice of the Peace for the Precinct of Chowan.

Thomas Rountree Informeth the Grand Jury that upon the 10th day of ffeb^{ry} last past Jam^s fleming did very much approach the s^d Tho^s Rountree of Injustice the s^d Tho^s Rountree being then a Justice of the Peace for the Precinct of Chowan the s^d Jam^s fleming did say that the s^d Thomas Rountree would give Judgm^t any way y^t he the s^d Rountree had the most mind it should go lett it be right or wrong & did very much threaten and abuse the s^d Rountree & did severall times Ride agst the s^d Rountree as he was riding upon the Road to beat him the s^d Rountree out of the Road & would not lett him the said Rountree pass quietly about his business.

Levi Cressy Informs the Grand Jury that W^m Smith Overseer of the highways from Grace Cartwrights Creek to the Wid^o Davis's Creek hath not mended & made the Roads according to an act of Assembly made and provided for the making mending & Repairing of Roads & Highways

Thomas Swann Informed the Jury that Jn^o Relf & Edw^d fairecloth Overseer of the highways from Arroons Creek to the Indian Town over to the branch of Currytuck hath not mended & made the Roads according to an Act of Assembly made & provided for the making mending and repairing Roads Bridges or Highways

The Grand Jury presents Jn^o Hassell of Chowan Precinct for speaking prophane & Irreverent words to the Great Scandall of the Christian

Religion and to the dishonour of Almighty God himself (to-witt on March the 13th 1718

They also present Jn^o Hassell for coliabiting with Sarah Wilkison notwithstanding severall Orders of this Court to the Contrary.

W^m Alexander Collector of Currytuck for forgery for Endeavouring to prove the Will of Rich^d Sanderson Esq^r late of Currytuck Dec^d at Currytuck afs^d on or about the 29th day of July 1719

David Ambross for retailing Liquors without License at Chowan about the 28th Dec^r last

ffrancis Branch of Chowan Precinct for selling Runq by Retail without Licence at Chowan on or about the 18th March last

W^m Charleton Esq^r Sen^r for being drunk yesterday & for swearing four times & cursing

W^m ffryley for being Drunk & swearing

Henry Lysle for being Drunk & swearing

Joseph Young for being Drunk & swearing & cursing the Grand

Jury

Louis Monlier for swearing four oaths

Tho^s Swann for being Drunk

Maj^r Jn^o Plowman for being Drunk & Swearing

Jn^o Urmstone Missionary for being Drunk

Robert Barnes & Jn^o Price of Pequimans Precinct for Conveying away Charles Wilks to Evade being presented on a Presentm^t agst him for Lewd Living

Martin Cremen for swearing ten oaths.

Patrick Eggerton for swearing 2 oaths

Christopher Butler for swearing one Oath.

James ffarlow for being Drunk

The Grand Jury bein askd by the Court if they had any presents further to offer answered No.

Orderd that they be Discharged

Orderd that the Attorney Gen^l have Copys of the Grand Jurys Presentments forthwith.

Orderd that process do issue out agst the Persons Presented by the Grand Jury so as to compell them to appear &c the 3d day of the next Gen^l Court, and also supena's for the Informers & Evidences to prosecute

Dan^l Richardson Esq^r Attorney Gen^l comes to Prosecute an Information of the Grand Jury last Court agst John Hassell and for Insufficiency in the Indictm^t the same is Quashd

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an information of the Grand Jury last Court agst Cha^s Wilks and upon Motion of the Def^t by Tho^s Henman his Attorney the same is Cont^d till next Court

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Information of the Grand Jury agst Mary Brinn And upon Motion of the s^d Mary by Tho^s Henman her Attorney the same is cont^d till next Court

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Information of the Grand Jury agst John Wyer and the s^d John being since dead the same is Quashd

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Information of the Grand Jury agst W^m Branch, for Retailing Liquors & selling victuals contrary to Law and the same not being proved agst him Ordered that he be Dismist

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Information of the Grand Jury agst John White Sen^r and upon motion of the Attorney Gen^{ll} the same is con^d till next Court to Provide the Kings Evidence

Benjⁿ Spivey acknowledges himself to be Indebted to our Sovereign Lord the King in the sum of fifty Pounds to be Levy'd upon Levy'd upon his Lands & Tenem^{ts} Goods & Chattells with Condition that he appear here the 3^d day of next Gen^{ll} Court and answer to all such matters & things as shall be alleadged against him relating to hogstealing and not depart the Court untill discharged therefrom.

Jacob Spivey acknowledges himself to be Indebted to our Sovereign Lord the King in the sum of fifty pounds to be Leveyed upon his Lands & Tenements goods & chattells with condition that he appear here the 3^d day of the next Gen^{ll} Court and Answer to all such matters & things as shall be alleadged agst him relating to hogstealing and not to depart therefrom untill discharged by the Court

Benjⁿ & Jacob Spivy acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of five pounds each to be levyed upon their Land & Tenements Goods & Chattells with condition that they appear here the third day of the next Gen^{ll} Court & answer to the Presentm^t of the Grand Jury for breaking the Sabbath and not depart the Court untill discharged therefrom

Adjourned to the 3^d day of the next Gen^{ll} Court

FFRD. JONES Ch. Jnst.

NORTH CAROLINA—ss

Att a Gen^{ll} Court of Oyer & Terminer continued and held for the s^d Province at the Gen^{ll} Court House in Chowan Precinet the 28 July 1720

Present	Jn ^o Blount	} Eq ^m
	Jn ^o Worley	
	R ^t West	

Charles Wilks being call'd to answer a Presentment of the Grand Jury for living in open adultery fail'd to appear & Tho^s Henman offer'd to appear & plead as his Attorney the Court will not admitt thereof. Upon motion of the Attorney Gen^l Order'd that further process do issue to compell him to answer the s^d Presentm^t at the next Court

Mary Brinn being call'd to answer a presentm^t of the Grand Jury for keeping Company with Cha^s Wilks fail'd to appear Thomas Henman offer'd to appear and plead as her attorney the Court will not admitt thereof. Upon motion of the Attorney Gen^l Order'd that further process do issue out against the s^d Mary Brinn to compell her to appear & at the next Court -

John White Sen^r being call'd to answer a presentm^t of the Grand Jury for selling Liquor without Lycence fail'd to appear. Upon motion of the Attorney Gen^l Order'd that further process do issue to compell him to appear & at the next Court

Thomas Spivy being call'd to answer a presentm^t of the Grand Jury for hog stealing fail'd to appear Upon motion of the Attorney Gen^l Order'd that further process do issue to compell him to appear &c at the next Court.

Abraham Spivy being call'd to answer a Presentm^t of the Grand Jury for Hoggstealing fail'd to appear, Upon motion of the Attorney Gen^l Order'd further process do issue to compell him to appear & at the next Court.

Benjⁿ Spivy being call'd to answer a Presentm^t of the Grand Jury for Hoggstealing appear'd according to his Recognizance last Court Upon motion of the Attorney Gen^l Order'd that he be continued upon the same Recognizance to answer at the next Court with which the s^d Benjⁿ is Content

Jacob Spivy being call'd to answer a Presentm^t of the Grand Jury for Hoggstealing appear'd according to his Recognizance last Court Upon motion of the Attorney Gen^l Order'd that he be continued upon the same Recognizance to answer at the next Court with which the s^d Jacob is Content

Abraham Spivy being call'd to answer a Presentm^t of the Grand Jury for mismarking hogs fail'd to appear Upon motion of the Attorney Gen^l Order'd that further process do issue to Compell him to appear &c at the next Court.

Thomas Spivy being calld to answer a Presentm^t of the Grand Jury for breaking the Sabbath appeard and acknowledged himself to be Indebted to our Sovereign Lord the King in the sum of ffive Pounds to be levyd upon his Land & tenem^{ts} goods and chattells with condition that he appear &c at the next Court. Jacob Spivy being calld to answer Presentm^{ts} of the Grand jury for breaking the Sabbath appeard according to his Recognizance last Court. Upon motion of the Attorney Gen^l Orderd that he be continued upon the same Recognizance to appear at the next Court with which the s^d Jacob is content

Benjⁿ Spivy being called to answer a Presentm^t of the Grand Jury for breaking the sabbath appeard according to his Recognizance last Court Upon motion of the Attorney Gen^l Orderd that he be continued upon the same Recognizance to appear and answer at the next Court with which the said Benjⁿ is Content

Abraham Spivy being calld to answer a presentm^t of the Grand Jury for breaking the Sabbath faild to appear Upon Upon motion of the Attorney Gen^l Orderd that further process do issue agst him for his appearance here at the next Court

Hen^{ry} Pendleton being called to answer a Presentm^t of the Grand Jury for breaking the Sabbath failed to appear Upon motion of the Attorney Gen^l Orderd y^t farther process do issue agst him for his appearance at the next Court.

Eman^l Low being calld to answer a Presentm^t of the Grand Jury for breaking the Sabbath faild to appear Upon motion of the Attorney Gen^l Orderd y^t further process do issue agst him for his appearance at the next Court

Benjⁿ West being calld to answer a Presentm^t of the Grand Jury for breaking the Sabbath, failed to appear Upon motion of the Attorney Gen^l Orderd y^t farther process do issue agst him for his appearance at the next Court.

Jeremiah Vail being called to answer a Presentm^t of the Grand Jury for abusing John Blount Esq^r one of the Justices of this Court appeard upon motion of the Attorney Gen^l Orderd that the said Jeremiah be taken & be in Custody of the Marshall till he enter into Recognizance to appear here the 3^d day of the next Court and answer the said Presentm^t & be of his good behaviour in the mean time.

Thomas Bray being call'd to answer a Presentm^t of the Grand Jury for abusing Thomas Betterley Esq^r a Justice of the Peace for Chowan Precinct appeard Upon motion of the Attorney Gen^l & by the Opinion & Consent of the Court a nolle prosequi is Orderd thereon

James ffleming being calld to answer a Presentm^t of the Grand Jury for abusing Tho^s Rountree Esq^r a Justice of the Peace for Chowan Precinct fail'd to appear Upon motion of the Attorney Gen^l order, y^t further process do issue agst him to appear at the next Court and be of his good behaviour in the mean time

W^m Smith being calld to answer a Presentm^t of the Grand Jury for not mending and repairing the Highways faild to appear. Upon motion of the Attorney Gen^l Orderd that further process do issue agst him for his appearance at the next Court.

John Hassell being calld to answer a Presentm^t of the Grand Jury for speaking prophane words faild to appear Upon motion of the Attorney Gen^l Orderd that further process do issue agst him for his appearance here at the next Court

John Relf & Edward ffaircloth being calld to answer a Presentm^t of the Grand Jury for not repairing the roads faild to appear Upon motion of the Attorney Gen^l Orderd y^t further process do issue agst him for his appearance here at the next Court

W^m Alexander being calld to answer a Presentm^t of the Grand Jury for forgery faild to appear Upon motion of the Attorney Gen^l Orderd that further process do issue agst him for his appearance here at the next Court

David Ambross being calld to answer a presentm^t of the Grand Jury for retailing Liquor without Lycence appeard and acknowledged himself to be Indebted to our Sovereign Lord the King in the sum of Tenn pounds to be levyd upon his Lands & Tenem^{ts} Goods & Chattells with condition that he appear here at the next Court and answer the s^d Presentm^t

ffrancis Branch being calld upon to answer Presentm^t of the Grand Jury for retailing Liquor without Lycence appeard and acknowledged himself to be indelbted to our Sovereign Lord the King in the sum of Tenn pounds to be levy'd upon his lands & Tenem^{ts} Goods & Chattells with Condition y^t he appear here at the next Court to answer the s^d Presentment

Robert Barnes being called to answer a Presentm^t of the Grand Jury for conveying away Charles Wilks presented by the Grand Jury for living in open Adultery appeared and acknowledged himself indebted to our Sovereign Lord the King in the sum of one hundred pounds and Tho^s Blitchendon in the like sum of one hundred pounds with condition that the s^d Rob^t Barnes appear here at the next Court and answer the s^d Presentm^t and be of his good behaviour in the mean time

Jn^o Price being called to answer a Presentm^t of the Grand Jury for conveying away Cha^s Wilks presented by the Grand Jury for living in open Adultery appeared and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of one hundred pounds and Thomas Blitchendon in the like sum of one hundred pounds with condition that the s^d John Price appear here at y^e next Court to answer the s^d presentm^t and be of his good behaviour in the mean time

Dan^l McDaniel & Robert Attkins being bound by Recognizance to appear at this Court being called they failed to appear. Upon motion of the Attorney Gen^l Ordered that process do issue against the same

Caleb Spephens being bound to appear at this Court appeared and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds to be Levyed upon his Lands & Tenem^{ts} goods and Chattells with condition that he appear here at the next Court and answer to the complaint of Archab^d campbell for feloniously taking away the boxes or knaves of a pair of cartwheels belonging to Archab^d Campbell.

Paul Palmer being called to answer for suspicion of ffeloniously taking a negro man named Sambo with divers goods the estate of Nichol^l Crisp, Appeared, Upon motion of the Attorney General Ordered that he be continued in Custody of the marshall he refusing to enter into Recognizance to appear at the next Court and answer the same

Joseph Darden being charged with uttering fforged Bills of this Province was Orderd by this Court to appear here and give sufficient proofs how he came by the same Appeared and having fully satisfyd the Court of the same is Discharged therefrom paying Costs

Joseph Jessop being bound to appear at this Court to answer his abuse to a constable in the Execution of his office Appeared

Upon motion of the Attorney Gen^l Orderd that he be in Custody of the Marshall till he enter into Recognizance to appear at the next Court & answer the same

Joseph Jessop being bound to appear at y^s Court to answer for Rescue by him made Appeard Upon motion of the Attorney Gen^l Orderd that he be in Custody of the Marshall till he enter into Recognizance to appear here at the next Court and answer the same.

Jn^o Relf being bound by Recognizance to appear at this Court to answer the complaint of M^r Edm^d Gale appeard Upon motion of the Attorney Gen^l and by consent of the s^d Relf Orderd that he be continued upon the same Recognisance till next Court

W^m Braswell being bound by Recognizance to appear at this Court to answer his abuse to a constable in the execution of his office Appeard. Upon motion of the Attorney Gen^l Orderd that he be in Custody of the Marshall till he enter into Recognizance to appear & answer at the next Court the s^d complaint and that he be of his good behaviour in the mean time.

Thomas Stoneham being bound by Recognizance to appear at this Court to answer his abuse to a Constable in the Execution of his office, Appeard, Upon motion of the Attorney Gen^l Orderd that he be in custody of the Marshall till he enter into Recognizance to appear and answer the same at the next Court and that in the meantime he be of his good behaviour.

Jn^o Birkett Sen^r and Jn^o Birkett Jun^r Appeard in Custody by a process from Tho^s Rountree Esq^r a Justice of the Peace for Chowan Precinct on a complaint of Jenkin Williams for Trespass & fforceible Entry by y^m made on the plantation of the s^d Jenkin Williams

Orderd that the s^d Jn^o Birkett Sen^r & Jn^o Birkett Jun^r be in Custody of the Marshall till they enter into Recognizance with two sufficient securitys in the sum of five hundred pounds to appear at the next Court to answer the s^d Complaint & that in the meantime they be of their good behaviour

Jn^o Birkett Jun^r appeard in Custody by a Precept from Thomas Rountree Esq^r a Justice of the Peace for Chowan Precinct on a complaint of Jenkin Williams for a Trespass & fforceible Entry by him made on the plantation of the Jenkin Williams. Orderd y^t the s^d John Birkett be in Custody of the Marshall till he enter into Recognizance with two sufficient securitys in the sum of ffive hundred pounds to appear at the next Court and answer y^e s^d Complaint & y^t in the meantime he be of his good behaviour

Orderd y^t Martin ffred^k Razom be taken into Custody till he give security to be of his good behaviour till next Court for his misbehaviour in this Court

Martin ffred^k Razom & Arthur Dugall acknowledge themselves to be indebted to our Sovereign Lord the King in the sum of twenty pounds each to be Levyed upon their Lands & Tenements goods & Chattells with Condition that the s^d Martin ffred^k Razom appear here at the next Court and that in the mean time he be of his good behaviour.

Adjourned to the Court in Course.

NORTH CAROLINA SS.

At a Gen^l Court of Oyer & Terminer held & Continued for the s^d Province at the General Court House at Queen Ann's Creek in Chowan Precinct the 1st day of November 1720 Cont^d to the 3^d

Present ffredrick Jones Esq^r Ch. Justice Jn^o Blount Jn^o Worley & Robert West Esq^r

The Court being opend adjourn'd till to-morrow morning eight a clock
Nov 2^d The Court mett according to adjournm^t present as above.

The Grand Jury are Impannell'd & Sworn.

Nic^s Crisp fforeman

Tho^s Rountree Tho^s Luten, ffr^s Branch W^m Stewart, Hen: Bonner, Tho^s Matthews, W^m Charleton, Lau^s Sarson, Nic^s Hunter, Hen^{ry} Clayton, Sam^l Pagett, Jam^s Peek, Jam^s ffarlow, Tho^s Yates, Geo Turnedge.

Adjourn'd till tomorrow morning 8 a clock

Thursday Nov^r 3^d. The Court mett according to adjournm^t. Pres^t as above

The Jurors for our Sovereign Lord the King upon their oath do present that Thomas Stoneham of the Precinct of Chowan in the Province afs^d Planter did on or about the 1st day of Apr^l 1720 at Chowan afs^d by force & Armes violently threaten kick and otherwise abuse one Richard Washington then & there a Constable in the Execution of his Office & other Inormitys to him the s^d Richard Washington did then and there do with like force & Armes agst the Peace of our Sovereign Lord the King his Crown & Dignity &c

Billa Vera

NIC^s CRISP fforeman

The Jurors for our Sovereign Lord the King on their oaths do Present That W^m Braswell of the Precinct of Chowan in the Province afs^d Planter did on or about the 1st day of Aprill 1720 at Chowan afs^d by force & Armes kick & otherwise abuse one Richard Washington yⁿ & there a Constable in the Execution of his office & other Inormitys to him the s^d Richard Washington did then and there do with like force and Armes agst the Peace of our Sovereign Lord the King his Crown Dignity &c

Billa Vera

NIC^s CRISP foreman

The Jurors for our Sovereign Lord the King on their oaths do present that Caleb Stephins of Chowan Precinct Planter on the 29th day of ffeb^r at Chowan afs^d did by force & armes &c one pair of boxes or knaves to the Value of fforty Shillings Clandestinely or ffeloniously belonging to one Archabald Campbell of the same Precinct Planter take & bear away

contrary to a statute in y^t case made & provided & agst the peace of our Sovereign Lord the King y^t now is his Crown & Dignity &^c

Billa Vera Nic^s Crisp fforeman

The Grand Jury are Discharged & another Impannell'd & Sworn

W^m Charleton fforeman Tho^s Rountree Tho^s Luten W^m Stewart ffra^s
Branch H Bonner Tho^s Matthews Lau^s Sarson Nic^s Hunter H : Clayton
Sam^l Pagett J Peek J ffarlow Tho^s Yates Geo: Turnedge W^m Bonner

The Jurors for our Sovereign Lord the King on their Oaths do present that Cush als Quashey a Negro Man Slave belonging to Paul Palmer of the Precinct of Pequimons on the 3^d of Ap^l 1720 did feloniously seduce take carry & convey by force & Armes &^c from the Plantation of Nic^s Crisp of the Precinct of Chowan Gent. a negro man Slave named Sambo together with one new Rugg to the value of twenty five shillings one coat one shirt one pair of New Lether Breeches one pair of Stockings one pair of New shoes & one hatt value one pound twelve shillings & six pence the proper estate & goods of the s^d Nic^s Crisp & y^t the s^d Cush als Quashey so having seduced & taken the s^d Negro Sambo & all the afs^d goods him and them did carry & convey to the Plantation & Dwelling house of the s^d Paul Palmer at Pequimans afs^d & then & there the said Negro Sambo and all the s^d goods did deliver to the s^d Paul Palmer & Joanna his wife who not being ignorant y^t the s^d Negro Sambo & all the s^d Goods were by the s^d Negro Cush als Quashey feloniously taken & carryed away from the s^d Crisps Plantation did then at the s^d Paul Palmers Plantation & Dwelling house receive & take the s^d Negro Sambo & all the s^d Goods from him the s^d Cush als Quashey & keep the same contrary to the Laws in such cases made & Provided & agst the Peace of our Sovereign Lord the King his Crown & Dignity &^c

Billa Vera Nemine Contradi

W^m CHARLETON fforeman

The Jurors for our Sovereign Lord the King do present upon their Oaths That on the 2^d day of Apr^l 1720 at the Precinct of Pequimans in the County of Albemarle in this Province of North Carolina Paul Palmer of the s^d Precinct did instigate order and comānd a negro Slave belonging to him the s^d Palmer nam'd Cush als Quashey to go with two horses to the Plantation of Nic^s Crisp in the Precinct of Chowan in the s^d County of Albemarle & by force & arms &^c to take bring & from thence convey & carry away a negro man nam'd Sambo with his Cloaths & bedding, which s^d Negro Sambo, cloaths & bedding are the proper estate of the s^d Nic^s Crisp, And y^t on y^e 3^d day of Aprill afs^d in y^e year

afs^d the s^d Negro Cush als Quashey at the Instigation & by the order & comānd of the s^d Paul Palmer did go to the Plantation & Quartor of the s^d Nic^s Crisp & did then & there seduce & feloniously carry & convey from thence to the s^d Paul Palmers House in Pequimans afs^d the s^d negro man named Sambo & also one New Rugg value twenty five shillings one coat one shirt one pair of new Leather Breeches one pair of Stockins one pair of new shoes & one hatt value one pound twelve shillings and six pence by reason of which seducing the s^d Negro Sambo & the taking conveying & carrying of him & the s^d Rugg Coat shirt Breeches Stockings shoes & Hatt by the s^d Negro Cush als Quashey by the s^d instigation order and comānd of the s^d Paul Palmer he the s^d Nic^s Crisp a true & faithfull Serv^t of our Sovereign Lord the King is much damaged in Contempt of our Sovereign Lord the King to the great terror of many of the Kings Subjects & ag^{at} the Peace &c

Billa Vera Nemine Contradic

W^m CHARLETON foreman.

The Jurors for our Sovereign Lord the King Present upon their oaths That the Hon^{ble} ffred^k Jones Esq^r of the County of Albemarle Ch. Justice of this Province y^e 14th day of Apr^l 1720 to keep the Peace of our Sovereign Lord the King in the s^d Province & also to hear and determine ffelonys Trespasses & other evil crimes in the s^d Province the s^d 14th day of Apr^l in the year afs^d a certain warrant or Precept to one Charles Wilkins Planter yⁿ Constable made directed & Deliverd & by his s^d warrant Comānded him the s^d Charles Wilkins to make diligent search for the body of one Cush als Quashey a negro man belong^s to one Paul Palmer of Pequimans Precinct & him the s^d Cush als Quashey to attach and to bring before him the s^d ffred^k Jones Esq^r to be Examined for seducing & feloniously taking & carrying away a negro slave namd Sambo together with one New Rugg value twenty five shillings one coat one shirt one pair of New Leather Breeches one pair of stockings one pair of new shoes & one hatt of the value of one pound twelve shillings & six pence all the proper estate of one Nic^s Crisp of Chowan Precinct Gent & also to bring the s^d negro Sambo & the s^d Goods before him the s^d ffred^k Jones Esq^r which s^d Cha^s Wilkins Constable afterwards (to witt) the 18th day of Ap^l in the year afs^d at Pequimans afs^d by Vertue of the afs^d Warrant to him directed & Deliverd the s^d Cush als Quashey with the s^d Warrant did take and attach and him the s^d Cushi als Quashey for the cause afs^d in his custody then & there had kept and also y^t he the s^d Cha^s Wilkins Constable the 23^d day of Apr^l in the year afs^d by vertue of the afs^d Warrant with the s^d Warrant did take & attach the above

namd negro Sambo & him had in his custody Nevertheless Johanna Palmer wife of the s^d P. Palmer then & there well knowing the s^d negro Sambo to be arrested and attached by the s^d Charles Wilkins Constable with the s^d Warrant by force & armes &^c the afs^d 23^d day of Apr^{ll} in the year afs^d at Pequimans Precinct afs^d the s^d Negro Sambo out of the Custody of the s^d Charles Wilkins Constable agst his will then & there feloniously took & rescued & him the s^d Negro Sambo then & there at large to run & go away did permitt in great contempt of our s^d Sovereign Lord the King & in evil & pernicious example to others in the like case and also contrary to the Peace of our s^d Sovereign Lord the King &^c

Billa Vera Nemine Contrad^o

W^m CHARLETON fforeman.

Orderd that if W^m Charleton, Hen^{ry} Lysle, Jn^o Winston, Patr^k Egger-ton, Christop^r Butler & Jam^s ffarlow do pay unto Jn^o Blount Esq^r the fine appointed by law being presented by the Grand Jury for swearing &^c they shall be hereby discharged.

Orderd that if W^m ffryley Sam^l Monlier do pay unto John Worley Esq^r the fine appointed by Law being presented by the Grand Jury for swearing &^c they shall be hereby discharged

Orderd that if Martin Cremen do pay unto Robt. West Esq^r the fine appointed by Law being presented by the Grand Jury for swearing four oaths he shall be hereby discharged

Ordered that if Eman^{ll} Low, Hen^{ry} Pendleton & Benj. West do pay unto John Palin Esq^r the fine appointed by Law being presented by the Grand Jury for breaking the Sabbath they shall be hereby discharged

Orderd that if W^m Smith, Jn^o Relf, & Edw^d ffaircloth do pay unto Jn^o Palin Esq^r the fine appointed by Law being presented by the Grand Jury for not keeping the Roads in Repair in the severall Districts they shall be hereby discharged

Charles Wilks being calld to answer a Presentm^t of the Grand Jury for living in open Adultery faild to appear Upon motion of the Attorney Gen^{ll} Orderd y^t a Distringass do issue agst the next Court

Mary Brinn being called to answer a Presentm^t of the Grand Jury for cohabitting with Cha^s Wilks faild to appear. Upon motion of the Attorney Gen^{ll} Orderd that a Distringas do issue agst the next Court

Abraham Spivey being calld^r to answer a Presentm^t of the Grand Jury for Hoggstealing faild to appear. Upon motion of the Attorney Gen^{ll} Orderd that a Distringas do issue agst the next Court.

Abraham Spivey being calld to answer a Presentmt^t of the Grand Jury for breaking y^e Sabbath faild to appear. Upon motion of the Attorney Gen^l Ord^d a Distringas do issue agst the next Court

Thomas Spivey, Benjⁿ Spivey, and Jacob Spivey being bound by Recog. to appear at y^s Court to answer a Presentmt^t of y^e Grand Jury for Hogg-stealing appeard. Upon motion of the Attorney Gen^l Orderd that they appear here the 3^d day of the next Gen^l Court upon the same Recognizance to answer the s^d Presentmt^t

Thomas Spivey, Benjⁿ Spivey, and Jac^b Spivey being bound by Recognizance to appear at this Court appeard. Upon motion of the Attorney Gen^l Orderd that they appear here the 3^d day of the next Gen^l Court upon the same Recognizance to answer the s^d Presentmt^t.

Jeremiah Vail being calld to answer a Presentmt^t of y^e Grand Jury for abusing Jn^o Blount Esq^r one of the Justices of y^s Court faild to appear, And the Marshall having faild to take him into Custody according to the order of Last Court, Orderd that he be now taken and be in Custody of the Marshall till he enter into Recognizance to appear here the 3^d day of the next Gen^l Court to answer the s^d Presentmt^t And be of his good behaviour in the mean time.

Jam^s fleming being calld to answer a Presentmt^t of the Grand Jury for abusing Tho^s Rountree Esq^r a Justice of the Peace for Chowan Precinct faild to appear, And the Court being satisfied of his Incapability to attend this Court by reason of sickness. Orderd that the same be continued till the 3^d day of the next Gen^l Court.

The Jurors for our Sovereign Lord the King Present y^t on the 13th day of March 1718 being Sunday at Chowan Precinct in y^s Province one John Hassell of the s^d Precinct having not the fear of God before his eyes but by Instigation of the Devil & agst the Peace of our Sovereign Lord the King divers & Sundry prophane & irreverent words & speeches to the Dishonour of God Almighty himself and his Attributes and against the holy writt Profession and Religion now allowed & profest by authority in his now Maj^{ty} of Great Brittain's Dominions & subverting of all the faithfull an true believers & professors of the Protestant church & Religion now by Law Established & Confirmd did utter, speak forth & give out Viz^t That he was never beholden to God Almighty for a blew. shirt for that he never had anything from him but what he worked for) and further being asked by one R^d Batchelor, how he liked the sermon he had heard y^t day (He answered what good did it do him if he thought (He meaning the man who preacht) had come to save his soul out of hell he would goe a hundred mile to destroy him.

He had never been beholden to God for any thing. If an Angell should come down from Heaven & tell him face to face y^t he should dye & be Damned to all Eternity he would not forbear swearing at sometimes which are against the Peace of our Sovereign Lord the King that now is his Royall Crown & Dignity & agst the Law now in force both of God & man &c

DANⁿ RICHARDSON Att^y Genⁿ

To which Indictm^t Jn^o Hassell Pleads not Guilty

John Hassell & W^m Yates acknowledged themselves to be indebted to our Sovereign Lord the King in the sum of twenty five pound each to be Levyyed upon their Lands & Tenem^{ts} goods & Chattells with condition that the s^d John Hassell do personally here the 3^d day of the next Genⁿ Court & not depart the Court untill therefrom & that in the meantime he be of his good behaviour.

The Jurors for our Sovereign Lord the King Present y^t Jn^o Hassell of Chowan Precinct in y^s Province at Chowan afs^d agst the Peace of our Sovereign Lord the King in a Lewd & Dishonest maner live cohabit & keep company with one Sarah Wilkinson the wife of W^m Wilkinson late of the same Precinct in Contempt Disobedience & contrary to an order or Comānd or Orders or Comands of the Genⁿ Court of y^s Province for y^t purpose made & now on Record in the s^d Court ready to be produced all which actings of his the s^d Jn^o Hassell are agst the Peace of our Sovereign Lord the King y^t now is his Royall Crown & Dignity & against the Christian Religion and the force of the Laws of Great Brittain &c.

DANⁿ RICHARDSON, Att^y Genⁿ

To which Indictm^t Jn^o Hassell Pleads not Guilty.

Jn^o Hassell & W^m Yates acknowledges y^mselves to be indebted to our Sovereign Lord the King in the sum of twenty five pounds each to be levyed upon their Lands and Tenem^{ts}, goods & Chattells with condition That the s^d Jn^o Hassell do personally appear here the 3^d day of the next Genⁿ Court and not depart the Court untill discharged therefrom & y^t in the mean time he be of his good behaviour.

W^m Alexander being called to answer a Presentm^t of the Grand Jury for fforgery fail^d to appear. Ordered, that a further capias do issue for his appearance here y^e 3^d day of the next Genⁿ Court to answer the s^d Presentm^t

David Ambross being called to answer a Presentm^t of the Grand Jury for selling Liquor without Lyeence appeared and paid the fine by Law appointed Ordered, that he be Dismist.

Robert Barnes & Jn^o Price being called to answer a Presentm^t of the Grand Jury for conveying away Cha^s Wilks Presented by the Grand Jury for Living in Adultery Upon motion of the Attorney Gen^l Ordered that they appear here the 3^d day of the next Gen^l Court upon the same Recognizance to answer the same Presentm^t

Dan^l McDaniel & Robert Atkins being bound by Recognizance to appear at this Court and thereof failed, Ordered that a Seire fax do issue agst the same Recognizance.

Caleb Stevins being called to answer an Indictment found agst him by the Grand Jury for taking a pair of Boxes appeared and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds & ffr^s Branch & Edw^d Pagett in the sum of ten pounds each to be levyed upon their Lands and Tenem^s goods & Chattells with Condition That the s^d Caleb Stevins do personally here the 3^d day of the next Gen^l Court and not depart the Court untill Discharged therefrom and that in the mean time he be of his good behaviour.

Fran^s Branch being bound by Recog: to appear at y^s Court to answer a Presentm^t of the Grand Jury for Retailing Liquor without Lyeence appeared Orderd y^t he appear here the 3^d of the next Gen^l Court on the same Recognizance to answer the same Presentm^t

Joseph Jessop being bound to appear at this Court and the Att^y Gen^l being present was askd if he had anything to say agst him Answerd No. Orderd that he be Dismist paying costs.

John Relf being bound by Recog: to appear at y^s Court and the Att^y Gen^l being prsent was askd if he had anything to say agst him Answerd No. Orderd that he be Dismist paying Costs.

W^m Braswell being calld to answer an Indictm^t found agst him by the Grand Jury for abusing R^d Washington a Constable in the Execution of his office Appeard & acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty Pounds and Jn^o Birkett in the like sum of twenty pounds to be Levyed upon their Lands & Tenem^{ts} Goods and Chattells wth condition, That the s^d W^m Braswell do personally appear here the 3^d day of the next Gen^l Court & not depart the Court untill discharged therefrom. And that in the mean time he be of his good behaviour.

Thomas Stoneeham being calld to answer an Indictm^t found agst him by the Grand Jury for abusing R^d Washington a Constable in Execution of his Office. Appeared and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds & Jam^s Bate in the like sum of twenty pounds to be levyed upon their Lands & Tenem^{ts}

Goods & Chattells wth Condi^on That the s^d Thomas Stoneham do personally appear here the 3^d day of the next Gen^l Court & not Depart the Court untill discharged therefrom & that in the meantime he be of his good behaviour

Jn^o Birkett Sen^r & Jn^o Birkett Jun^r call'd to answer an Indictm^t found agst them by the Grand Jury for fforceably Enttring the House of Jenkin Williams &° and acknowledged themselves to be indebted to our Sovereign the King in the sum of Two hundred pounds each and Tho^s Paris in the sum of one hundred pound to be Levyd upon their Lands & Tenem^{ts} Good & Chattells wth condition That if the s^d Jn^o Birkett Sen^r & Jn^o Birkett Jun^r do personally appear here the 3^d day of the next Gen^l Court and not depart the Court untill discharged therefrom. And that in the mean time they be of their good behaviour.

John Birkett Jun^r being called to answer an Indictm^t found agst him by the Grand Jury for forceably Enttring &° the House of Jenkin Williams, Appeard and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of three hundred pound & Tho^s Paris & Patrick Oglesby in the sum of one hundred pounds each to be Levyed upon their Lands & Tenem^{ts} Goods & Chattells with condition That if the s^d John Birkett Jun^r do personally appear here the 3^d day of the next Gen^l Court & not Depart the Court untill Discharged therefrom And that in the meantime he be of his good behaviour

Jam^s McDaniel being called to answer for feloniously taking some money belonging to Eben. Ezar Taylor & having broken out of the Custody of the Marshall fail'd to appear. Orderd y^t he be taken into the Marshall's Custody and appear here the 3^d day of the next Gen^l Court

Paul Palmer & Joanna his wife being call'd to answer an Indictm^t found agst them by the Grand Jury for feloniously taking a Negro man Nam'd Sambo with other Goods the estate of Nic^s Crisp the s^d Paul appear'd and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of one hundred pounds & Tho^s Luten & W^m Stewart in the like sum of one hundred pounds each to be Leveyed upon their Lands & Tenem^{ts}, Goods & Chattells with Condition That the s^d Paul Palmer & Joanna his wife appear here the 3^d day of the next Gen^l Court & not Depart the Court untill discharged therefrom & be of his good behaviour in the mean time.

Paul Palmer being call'd to answer an Indictm^t found agst him for a misdemeanour appear'd & Acknowledged himself to be indebted to our Sovereign Lord the King in the sum of one hundred pound & Tho^s Luten & W^m Stewart in the sum of one hundred pound each each to be

Levyed upon their Lands & Tenem^{ts}, goods & Chattells with Condition That the s^d P. Palmer do personally here here the 3^d day of the next Gen^l Court & not Depart the Court untill Discharged therefrom and in the meantime he be of his good behaviour

Joanna Palmer being called to answer an Indictm^t found agst her by the Grand Jury for a Rescons fail'd to appear. Orderd that a Venire do issue out for her appearance here the 3^d day of the next Gen^l Court to answer the same

Charles Hopton being bound by Recognizance to appear at y^s Court Appear'd Order'd that he appear here the 3^d day of the next Gen^l Court upon the same Recognizance

David Ambross being bound by Recognizance to appear at y^s Court appear'd, And the Attorney Gen^l having nothing to say agst him Orderd that he be Dismist paying Costs.

Adjourned to the Court in Course

FFRED JONES Ch : Just.

1721.

[FROM N. C. LETTER BOOK OF S. P. G.]

M^r URMSTONE TO THE SECRETARY

NORTH CAROLINA Feb^r 5th 172^d₁

Sir

Since my last of Xber 22nd nothing of any moment occurs save that I am still detained here against my will in this wretched country in hopes of getting my money but greatly suspect I shall be disappointed I was to have had £120 the first of last month and got but £54 and the £122 due six years ago is not yet raised notwithstanding an act of Assembly which I obtained with great struggling last August for the payment of it on or before 25th Nov^r last nor do I believe I shall ever have it. I will wait till May and if there be no more likelihood than I see at present I think to come home—I did hope to have something to come home to but am forced to draw Bills for everything I want I was not very happy in my late wife's days upon divers accounts but I am now quite weary of my life and worse put to it than ever to subsist what I've received from the

parish is all gone towards paying for a Negro within ten days after I bought him and a white man who run a way with in the like time If I had not received the money I verily believe I never should have received a penny from the parish. I endured 4 or 5 arrests to make me give Bills of Exchange but being restive my creditors were obliged to take parish pay with the advance of £150 p^{r} C^{ts} in lieu of St^s money.

I desired in my last as I now do that if any one came to the Society or Treasurer that called himself my Son that no notice should be taken of him I have been forced to turn him adrift for his undutifulness in combining with my Servants to ruin me he got a servant wench with child who had 2 years to serve rendered her not only useless but even a burden to me yet am forced to keep her not knowing where to get a better being in great want of provisions I sent a Bill of Exchange for £20 to Coll. Heathcoat at New York but after divers since the date thereof which was July 15th 1719 I cannot hear from him I pray you or the Treasurer to acquaint him whether it was ever tendered or paid I hear he is poor which makes me fear my money is lost we are informed our late good for nothing proprietors have sold their interests in these parts to 3 Quakers if so the Church is like to flourish others say we are under the Crown—I can not hear from England I am buried alive in this hell of a hole—the last from you was dated Nov. 16th 1716—S^r pray favour me with a line or 2 which you may direct to Mr. Jeykill collector at Boston in the next he'll forward it to S^r your most humble Servant

J. URMSTONE.

[EXTRACTS FROM JOURNAL OF SOUTH CAROLINA HOUSE OF ASSEMBLY 1721.]

HOUSE OF ASSEMBLY 1721

Saturday Feb 13th 1720

The House took under consideration and debate the petition of Col. Theophilus Hastings presented to this House on the 29th of January last, and after some time spent therein; a motion being made and the question being whether the said Col. Theophilus Hastings, shall be allowed the sum of two hundred and fifty pounds, current money from the Public and no more in full satisfaction for what he petitions? Which being put to the vote.

Resolved, in the affirmative.

[Page 494.]

Friday April 28th 1721.

Ordered; that Alexander Parris Esqr. Public Receiver pay out of the Public Treasury unto Col. Maurice Moore the sum of one hundred pounds, current money, as a present from this House, in consideration of his coming so cheerfully along with the North Carolina forces to the assistance of this settlement in the time of the Indian war, and the fatigue he underwent in all that time.

Ordered; that M^r Speaker sign this order and that it be sent to the Governor & Council for their concurrence.

Resolved; that the design of this House in presenting Col. Maurice Moore with one hundred Pounds of Public money, is in consideration of his full demands upon the Public of this settlement.

[B. P. R. O. B. T. PLANT. GEN. VOL. 38. PAGE 357.—EXTRACT.]

REPRESENTATION OF THE BOARD OF TRADE TO THE
KING UPON THE STATE OF HIS MAJ:
PLANTATIONS IN AMERICA

8 September 1721.

* * * *

Carolina was granted by King Charles the Second to several Lords Proprietors by two different Charters the 1st dated 24th March in the 15th year of his Reign which contains all that Tract of Ground, extending Westward from the North end of Luck Island as far as the South seas southward as far as the River S^t Mathias and thence Westward again in a direct Line as far as the South Seas aforesaid together with all the Ports, Harbours, Bays Rivers, Isles and Islets thereunto belonging

The second Charter which is more extensive, bears date the 30th June in the 17th year of the said King Charles and reaches as far as the North end of Carahutke River or Gullet, and thence upon a strait Westerly line to Wyanoak Creek, which is supposed to ly in or about 36 deg^{rs} and 30 Minutes of Northern Latitude.

Carolina is divided into two Province called North and South Carolina which have separate Governors Councils and Assemblies.

The Governors of these Provinces have been usually named by the Proprietors subject to your Majesties Approbation

North Carolina was formed partly of Virginia till granted to the Lords Proprietors by their second Charter and it was at a certain place in this Province called Roanoke that Sr Walter Raleigh's servants made their first settlement.

The Boundary that separates this Province from Virginia being conceived in very disputable Terms hath never yet been finally settled thō Commissaries have been formerly deputed by the two Colonies for that purpose who could never agree either upon the Latitude or upon the true Position of Wyanoak Creek for the Indians from whom this place derives its appellation having often wander'd as their usual Custom is, over that part of the Continent and fixed for certain times at different places there they have left their name to many Creeks.

The South Limits of this Colony have likewise admitted of some disputes the Commissioners of the Lords Proprietors having frequently named Cape Fear instead of the River of that name for their Boundary.

The Government of North Carolina is something different from that of the Southern Province resembling more nearly that of Virginia of which as hath been observed it was formerly a part being divided into two Counties and seven precincts with petty Courts for each from whence in all matters exceeding a certain value Appeals lye to the suprem Court held by the Governor and Council which Liberty of Appeal as we are informed your Majesty's subjects at South Carolina do not at present enjoy.

There are great Tracts of good land in this Province and it is a very healthy Country, but the situation renders it for ever incapable of being a place of considerable Trade by reason of a great sound near sixty miles over, that lyes between this Coast and the Sea, barr'd by a vast chain of sand banks so very shallow and shifting that sloops drawing only five foot water run great riske of crossing them.

The little Commerce therefore driven to this Colony is carried on by very small sloops chiefly from New England, who bring them Clothing and Iron Ware in Exchange for their Pork and Corn but of late they have made small Quantities of Pitch and Tar which are first exported to New England and thence to Great Britain.

We are not thoroughly informed of the number of Inhabitants, but according to the best accounts we could get the number of persons in their Tythables or Poll Tax were not long since above 1600 of which about one third were Blacks.

The Government of this Province having for many years been a very disorderly one this becomes a place of Refuge for all the Vagabonds

whom either Debt or Breach of the Laws have driven from the other Colonies on the Continent and Pirates have too frequently found entertainment amongst them.

There is no great prospect that these Mischiefs should be redressed unless your Majesty shall be pleased to resume this as well as the southern Province into your immediate Government in which case North Carolina might in our Opinion be restored again to Virginia and put under the care of your Majesty's Governor of that Colony.

South Carolina extends from Cape Fear to the River of St Mathias The inhabitants of this Province conceiving themselves to be ill used or greatly neglected by the Lords Proprietors have lately deposed their Governor and Council and chosen a new Governor and Council of their own which great disorder induced your Majesty to reassume the Government thereof.

This Colony is the Southern Frontier to your Majesty's Plantations on the Continent and will no doubt under the happy influence of your Majesties immediate Protection become a flourishing Colony.

The Trade of this Province with respect to their own shipping is not hitherto very considerable, the Inhabitants not having above 20 sail of their own amounting to about 1500 Ton, and as they chiefly apply themselves to the Plantation Work, they have not many seafaring-men But their Trade is carried on by the Merchants of Great Britain who reap a considerable advantage thereby.

The Commodities the people of Carolina take from Great Britain are all manner of cloathing Woolen, Linnen Iron Ware Brass and Pewter and all sorts of Household Goods, having no Manufactories of their own and their southerly situation will make them always dependent on Great Britain, for a supply of those commodities whose consumption may be computed at about £23,000 p^{a} Annum. besides the cost of a considerable number of Negroes with which the British Merchants have for some time yearly furnished them taking their Returns in Rice and Naval Stores.

There is a small Trade carried on between Carolina and the Maderas for Wine and the Commissioners of the Customs have a surveyor General, a Collector, a Comptroller, a searcher, a waiter and a Naval Officer to put the Laws of Trade and Navigation in Execution here. But daily experience shows that illegal Trade is not to be prevented in a Proprietary Government.

The natural Produce of this Country is Rice, Pitch, Tar, Turpentine, Buck skins, Hides Corn Beef Pork Soap Mirtle Wax-Candles various sorts of Lumber as Masts Cedar Boards, staves shingles, and Hoop-poles

But the soil is thought capable of producing Wine, Oyle, Silk, Indico, Pot-Ashes, Iron, Hemp and Flax.

The number of White Inhabitants in this Province have some time since been computed at 9000 and the Blacks at 12000. But the frequent massacres committed of late years by the neighbouring Indians at the Instigation of the French and Spaniards has diminished the white men whilst the manufacture of Pitch and Tar has given occasion to encrease the number of Black Slaves who have lately attempted and were very near succeeding in a New Revolution which would probably have been attended by the utter Extirpation of all your Majesty's subjects in this Province. And therefore it may be necessary for your Majesty's service that the Governor should be instructed to propose some Law to the Assembly there for encouraging the entertainment of more white servants for the future.

The militia of this Province does not consist of above 2000 men and therefore considering the circumstances and situation these people are in exposed in case of a Rupture on the one side to the Spaniards on the other to the French, and surrounded by savages who are for the most part in a Interest opposite to that of Great Britain, unless your Majesty shall be graciously pleased to send a military Force to this Country sufficient to protect your subjects this valuable Province it in all probability will be lost.

For this reason we took the Liberty of representing to the late Lords Justices the necessity of sending four Regiments thither to prevent the further encroachments of the French in those parts. We likewise propose that as well to ascertain the Bounds of this Province which have not hitherto been fixed any other way but by the Charters to the Lords Proprietors as to extend and protect the Trade of your Majesties subjects there, several small Forts should be erected in proper places and that particular care should be taken to secure the Navigation of the several Rivers emptying themselves in those parts to the Northward of Fort St Augustine into the Westward Ocean, but more especially that of the River Alamatahama which the French have some time ago new christened by the name of the River May.

We were humbly of Opinion that no time should be lost in a matter of this consequence because the great difficulties the French have found in the Navigation of the River Mississippi made it necessary for them to secure a better part, and they did sometime ago take Pensicola from the Spaniards which being since as we are informed restored it is very probable the French may think of opening another communication from

their great settlement at Mobile down the River Alamatahama to the Western Ocean which wou'd be a more fatal blow than any that has hithier been given to your Majestys Interests in America.

The Fortifications of this Country at Present are but very few and their situation not the most advantageous. Charles Town for instance is regularly fortified and hath about 100 Guns mounted on the Walls the largest not exceeding twelve pound Ball.

There is likewise a small Fort of about 10 Guns at Port Royal and a Pallizado Fort at the late Savana Town of 5 or 6 small Guns which lyes about 140 Miles West from Charles Town towards the Head of Santee River 120 Miles from Charles Town is also another small Fort in all which places there are about 100 men in Garrison.

But Port Royal seems to have been a good deal neglected considering it is at present the Frontier Town lyes ready for the supply of the Indian Trade and the Protection of the out Garrison and has an excellent Harbour for which reason we should think that place ought to be better secured.

It would likewise be for your Majesties Service that other Forts should be built in this Province in proper places for the reasons which shall be mentioned in that part of this Representation relating to the means proposed for preventing the Encroachments of our European Neibours.

The Indian Nations lying between Carolina and the French settlements on the Mississippi are about 9200 fighting men of which number 3400 whom we formerly Traded with are entirely debauched to the French Interest by their new settlement and Fort at the Albasmas. About 2000 more that lye between your majesty's subjects and those of the French King, Trade at present indifferently with both, but it is to be feared that these likewise will be debauched by the French unless proper means be used to keep them in your Majestys Interest.

The remaining 3800 Indians are the Cherokees, a Warlike Nation Inhabiting the Apalatche Mountains these being still at enmity with the French might with less difficulty be secured, and it certainly is of the highest consequence that they should be engaged in your Majesty's Interest, for should they once take another party not only Carolina but Virginia likewise would be exposed to their Excursions.

Besides the Indians above mentioned there are about 1000 Savages dispersed in several parts between Carolina and Virginia from whom we have not much to apprehend Provided your Majesty's Governors of those Provinces live in that perfect Harmony and good understanding which they ought to maintain with each other and do justice to these poor people, who seldom give the first Offence.

It were to be wished we had not so much reason to complain of our European Neighbours in these parts but besides the Encroachments made by the French your Majesty's subjects meet with ill treatment from the Spaniards more particularly at Fort S^t Augustine where they have a Garrison of 3. or 400 white men and about 200 Indians who give shelter to all our run-away slaves and without regard to Peace or Treaties commit frequent Acts of Hostility upon your Majesty's Subjects.

We are not as yet informed whether the Spaniards have resettled Pensicola or what Force they have there but they have a Fort at the mouth of the Catahooche River with about 400 or 500 men in Garrison and we shall give your Majesty an account of the French Force in the Neighborhood, in that part of our Report which relates particularly to their settlement on the Continent.

This Province having hitherto but few Inhabitants the Quit Rents of the Lords Proprietors amount only to about 500^l \pounds annum But there is a Duty of 3^d \pounds Skin for the Benefit of the Clergy and the Contingences of the Government which vary every year, are raised by the Assembly.

There are no officers in Carolina that have patents from the Crown and none appointed at present by your Majesty's Authority but those of the Governors and Custom: House Officers.

All other Officers both Civil and Military hold their employments immediately under the Lords Proprietors their Governors or the Assembly.

Rice being the principal and staple commodity of this Province and the Merchants trading to Carolina having often complained that the advantage they formerly reaped by supplying Portugal with Rice hath been almost entirely lost since the act of the 3^d and 4th years of Queen Ann whereby Rice is made one of the Enumerated Commodities and the Importation thereof restrained to Great Britain, we think it necessary before we conclude what we have to offer concerning this Province to lay before your Majesty a particular state of this Trade.

Before the production of Rice in Carolina the Kingdom of Portugal was supplied with very great Quantities every year from Italy.

And the great consumption thereof in Portugal with the Liberty of transporting it directly thither from the Plantations as freely as any other Grain first induced the people of Carolina to plant and propagate it.

Their Labour and industry being by Degrees rewarded by an abundant increase of this usefull and valuable Product they had a very fair prospect of wholly supplying the Portugal Markets therewith.

But being deprived by the foresaid Act of the Liberty of transporting their Rice directly to Portugal and the additional Freight (from this to that Kingdom) with all other charges thereon amounting to about one third part of its value no Rice could be carried from England to Portugal but when the Price has happen'd to be very high there

But the true state of this affair will best appear by the following account of the Quantities of Rice imported and re-exported communibus Annis on a Medium of five years from Christmas 1712 to Christmas 1717 viz^t

IMPORTED.		Cwt.
From Carolina and the other Plantations		28,073
From East India Turkey and Italy about		250
The total Import		<u>28,323</u>
		p ^r An ⁿ
RE-EXPORTED.		Cwt.
To Portugal Spain and other Ports to Southward of Cape Finistere		2,478
To Holland Germany & other countries to Northward of Cape Finistere		<u>20,458</u>
The total Export		22,936
Remained for Consumption		<u>5,387</u>
		<u>28,323</u>
		p ^r An ⁿ

It is evident from this account that the Exportation of Rice from Great Britain to the Northward is very considerable and that the exportation of this Commodity to the Southward is very small which can arise from no other cause but the great expence that attends the same in double Freight, the Rice of Carolina being esteemed the best in the World but by that means it happens that the Italians being near at hand have almost entirely beaten your Majesty's subjects out of this Trade which proves very detrimental to the Navigation of Great Britain for if the Italians had not a vent for their Rice in Portugal they would hardly be able to carry on a Trade to that Kingdom and Spain in their own shipping they having no other Gross Goods but Rice and Paper sufficient to furnish lading for great ships, and they dare not adventure in any others for fear of the Algerines

We would therefore humbly submit to your Majesty whether it might not be for the advantages of the Plantations and of Great Britain likewise to allow that Rice might be carried from Carolina directly to Portugal or any other part of Europe to the Southward of Cape Finisterre upon giving security that every vessel so freighted shall touch in Great Britain before she returns to the West Indies.

[COUNCIL JOURNAL.]

Att a Council held at the Towne in Queen Ann Creek, March the 30th 1721

Present

The Hon^{ble} Charles Eden Esq^r Governor et

William Reed

Richard Sanderson

Fr^a ffoster

John Lovick

} Esq^r Lords Prop^{rs} Deputys

Read the Petition of Major Thomas Luten Shewing Robert Lasester tooke up and surveyed and patented in the yeare 1714 a Tract of Land lying at Bennets Creek which he hath not seated and planted as the Law requires praying a Lapse patent may be granted to him for the same

Ordered that the same be granted if the s^d Land is not already Lapsed by some other person

The Petition of George Durant was read setting forth that Thomas Willoway obtained for 144 Acres of Land lying in perquimons precinct which is not seated and planted according to the Tenor of the s^d patent praying a Lapse patent may be granted to him for the same.

Ordered that the same be granted

Simon Jeffereys Petition was Read shewing that Author Whitehead in March 1717 obtained a patent for 640 Acres of Land lying at Moratock which is not seated and planted according to the Tenor of the s^d patent praying a Lapse patent may be granted to him for the same

Ordered that the same be granted

Read the Petition of Edmund Kearney shewing that his Brother Michiel Kearney about four years since obtained a patent for 640 Acres of Land lying at Cassia, which is not seated and planted as the Lawe requires praying a Lapse patent may be granted him for the same

Ordered that the same be granted as prayed for

Read the Petition of Jacob Colson shewing that Thomas Evant obtained a patent in the yeare 1714 for 640 Acres of Land lying at Moratock which is not seated and planted according to the Tenor of the s^d Patent praying a Lapse patent may be granted him for the same

Ordered that the same be granted as prayed for

The Petition of John Bryan was read setting forth that John Naince about four yeare since obtained a patent for 640 Acres lying at Moratock which is not seated and planted as the Lawe directs your Petition^r therefore prays a Lapse patent may be granted to him for the same

Ordered that the same be granted

Read the Petition of John Lovick and John Plowman shewing that John Plowman in the year 1714 obtained a patent for 560 Acres of Land at Moratock which is not seated and planted as the Lawe requires praying a Lapse patent may be granted them for the same.

Ordered that the same be granted

Read the petition of Lazarus Thomas Shewing that John Thomas in the year 1713 obtained a patent for 134 acres of Land lying in Chowan which is become Lapsable for want of seating and planting praying a Lapse patent may be granted him for the same

Ordered that the same be granted

The Petition Needom Bryan was Read Shewing that Samuel Meriot in March 1717 Obtained a patent for 640 Acres of Land lying on Moratuck river which is become Lapsable for want of seating and planting praying a Lapse patent may be granted him for the same

Ordered that the same be granted

The Petition of William Crosby was Read shewing that John Smith in the yeare 1717 Obtained a patent for 640 Acres of Land lying at Potycasy which he has not seated and planted as the Lawe directs, the petitioner therefore a Lapse patent for the same

Ordered that the same be granted

Read the Petition of Robert Patterson Shewing that Gebriel Parker in March 1717 Obtained a patent for 400 Acres of Land lying at Urah Swamp which is become lapsable for want of due seating and planting praying a Lapse patent may be granted to him for the same

Ordered that the same be granted as prayed for

Read the Petition of William Whitehead Shewing that in March 1717 Robert Patterson Thomas Therby Hardy Council and Richard Washington each of them obtained a patent for 640 Acres lying on Meheron at Untouky marsh and Urah swamp neither of which have seated and planted the s^d Lands as the Lawe requires praying that Lapse patents may be granted to him for each of the afor^s^d Tracts of Land

Ordered that the same be granted

Read the Petition of William Crawford shewing that John Bryan in March 1717 Obtained a patent for 640 lying at Chowan precinct which Land is become Lapsable for want of due seating and planting praying a Lapse patent for the same

Ordered that a Lapse patent Issue to the Pet^r

Read the Petition of John Bryan son of Edward Bryan shewing that William Crawford in March 1717 obtained a patent for 640 acres lying in Chowan precinct which become Lapsable for want of due seating and planting the petitioner therefore prays a Lapse patent for the Same and as in duty bound shal pray

Ordered that the same be granted

Read the Petition of William Crawford shewing that Abraham Blewlet in the yeare 1716 obtained a patent for 640 Acres of Land lying in Chowan precinct which is not seated and planted as the Lawe requires praying a Lapse patent may be granted him for the same

Ordered that the same be granted

Read the Petition of Mickiel Ricker Shewing that Andrew Stephenson obtained a patent for 88 acres of Land lying in Chowan precinct which is become Lapsable for want of due Seating and planting praying a Lapse patent may be granted to him for the same

Ordered that the same be granted

Thomas Comander and William Efferingham Exers of the last Wills and Testament of James Tooke Dece^d haveing been duely Cited to appeare before this Board to answer the Complaint of John Scott in behalf of his Children Thomas Scott James Tooke Scott Mary Scott Elizabeth Scott and Sarah Scott all Legatees in the s^d will and the Exors haveing failed in their appearance

Its Ordered that another Citation doe Issue against the s^d Thomas Comander and William Efferingham Comanding them to appeare at the next Council to be held at Queens Creek the third day of July next and upon their then failing of appearance to answer the Complaint afos^d that Judgment be had for the Complainant and that for the Future it be a rule that that Libels all ways Issue with the Citations and that they answer the seconod Board after service of such Libels and Citation unless they can give sufficient reasons to this Board that further time may be allowed them

The Petition of James Bell was Read setting forth that he formerly preferred a Petition to this Board for Lapsing a peice of Land lying in Pasquotanke formerly belonging to Robert Wallace which Petition was

granted but a Caveat haveing been entered in the secretarys office by Co^{ll} William Reed against the patents Comeing til he was heard to the matter the Petitioner pray that Coll William Reed may be called to render reasons for putting a stop to his patent

And Co^{ll} Reed appearing and the matter argued on both sides and a decree in Chancery produced shewing that part of the Land Lapsed by Bell was granted to Robert Kiel haveing been taken out in the survey from a prior patent and this Board haveing duely Considered of the same are of opinion that the dicree in Chancery afors^d doth not invalidate the whole patent but that so much of the said Land as is not Claimed by the s^d Kiel Continues firm to Robert Wallace and that if the s^d Land is not seated and planted according to Lawe that the same is become Lapsable

Its therefore ordered that a Lapse patent doe Issue to the s^d James Bell for so much of the Land as is found due to the s^d Robert Wallace in the patent afors^d

Read the Petition of William Little Gen, shewing that Co^{ll} Thomas Boyd late of this province De^{cd} was Indebted to him a great sum of money and that the s^d Boyd dyeing Intestate Adm^{tn} of his Estate was Committed to his Widow M^{rs} Winifred Boyd and one Benjamin West who are now both dead and the petitioner not paid his Debt from the s^d Boyd Estate and there remaining Considerable of his Estate not administered upon and the Petitioner haveing made application for Adm^{tn} de bonis non being the greatest Creditor was Refused one Charles West haveing lodged a Caveat in the Secretarys Office against him he therefore prays that the s^d Charles West may be Called to set forth his reasons why the Petitioner Should not have adm^{tn} granted him as prayed for

And the Attorney General Appearing in behalf of Charles West who prays for the same Adm^{tn} in behalf of the Minor John Boyd It was agreed by the parties that adm^{tn} shall be comitted to the s^d William Little and Charles West Jointly in behalf of the Minor

Its therefore Ordered that Adm^{tn} be Committed accordingly

Several Complaints haveing been made to the Honble the Governor that M^r John Grey Deputy Surveyor at Moratock hath made divers entrys and Surveys of Land upon Moratock river near Uneroy one of the Settlements of the Tuskarooroe Indians which in all likelihood will if not timely prevented Create Fueds and disturbances with the s^d Indians and King Blount Chief man of the s^d Tuskarooroe Indians haveing been appointed to attend his honour at his house the 12th day of April next

Its Ordered that the Surveyor General and his Deputy Mr John Grey Attend his Honour on the 12 day of April next and bring with them such warrants or Entrys as either of them have made near the s^d Settlement of Uneroy that such directions may be given to the Surveyors as will prevent any future Contests thereon and in the meane while that the s^d Mr Grey forbear makeing any Entrys or Surveys of Land within five Miles of the Settlement and that no Warrants Issue for Lands on the Moratock but such as are filled up by the Secretary and that Co^l Frederick Jones doe forthwith lay out the Tuskarooroe Settlement on Morratuck according to the agreement made with Blount April the 4th 1721

Read the Petition of William Hancock Jun^r in behalf of himself and the rest of the Inhabitants of Craven precinct shewing that Bear River has been always Deemed taken and held to be the division between Beaufort and Craven precincts as the most natural and equal Bound that is to say the North side of Bear River to be in Beaufort precinct and the South side to be in Craven precinct divided by the main water Course notwithstanding which the vestry and court of Beaufort have ordered their Constable and Collectors to levy money on the south side of Bear River to the great weakening and oppression of Craven precinct and More Especial it being a Frontier Settlement wherefore prays that this Board will settle the Boundaries so as may prevent all future contests thereon

Ordered that Bear River be the dividing Bound between Craven and Beaufort precinct in the manner as set forth in the Petition and that each precinct for the future send noe precepts beyond those Bounds

Read the Petition of James Farlow Jun^r shewing that his Father James Farlow Obtained a patent for 250 Acres lying in Chowan precinct which Lands is become lapsable for want of due seating and planting the Petitioner therefore prays a Lapse patent for the same

Ordered that the same be granted

Read the Petition of Miles Hallsey shewing that John Smith in March 1717 obtained a patent for 450 Acres of Land lying in Chowan Precinct which Land is become Lapsable for want of one seating and planting prays that a Lapse patent may be granted him for the same

Ordered that the same be granted as prayed for

[FROM N. C. LETTER BOOK OF S. P. G.]

GOVERNOR EDEN TO THE SECRETARY

NORTH CAROLINA April 12th 1721.

Sir

The unhappy state this Colony is left in for want of a Missionary Mr. Taylor being dead and Mr. Urmstone having after the most unaccountable manner imaginable left his mission some twenty days since without acquainting myself or any of the council or Vestry of the parish where he resided save one Mr. Moseley a person not the happiest in his character for behaviour towards Government or good order who he has left to take care of his affairs which no wise required his deserting them but rather might have encouraged his continuance but not having made the least application to me for credentials I shall forbear giving character of the gentleman that is now coming before your august Assembly where I pray my humble duty may be received and your interest and charitable care of nine parishes consisting of upwards of 2500 white souls entirely left destitute of any assistance in religious affairs but what their readers give them who are not so able as I could wish amongst a people perfectly well affected to the Church and very desirous of giving encouragement to ministers of a courteous and affable behaviour to reside amongst them could they have the good fortune to be supplied with such and unless some due care be taken this person leaving his flock, so entirely deserted may give occasion for Quakerism to spread amongst us—those being the only sort of Dissenters worth minding in the Government I am confident if this finds credence with the most Honorable members of your Society whatsoever Gentlemen shall be sent to us will have no occasion to repent themselves and hope nothing that Dr. Urmstone may have to offer in justification of his own mismanagement will make impressions with His Grace of Canterbury and the rest of that venerable body to the prejudice of these neglected people who howsoever formerly ill represented deserve well now—To take up more of your time would be needless so not doubting of your favor on this lamentable occasion I beg leave to subscribe as with great respect and esteem I am your most humble and obedient Servant

CHARLES EDEN

[FROM N. C. LETTER BOOK OF S. P. G.]

A LETTER WITHOUT NAME TO THE SECRETARY ABOUT
MR. URMSTONE DATED MAY 26TH, 1721.

Sir,

I have given you the trouble of these few lines that the Honorable Society might be somewhat acquainted of the character of Mr. Urmstone that is lately gone for England and intends he says to return again to North Carolina if the Society thinks fit to send him but indeed he is a very unfit Missionary for that or any other place—his life is so wicked and scandalous notorious drunkard and swearing and lewdness is also what he is occupied of for these and others of his vices he was so much disliked of the people he was among that scarce any of them come to hear him and it is what one shall hear from almost every ones mouth that knows him that it is pity that he should ever come into these parts any more except he reforms his life and bad example doing more hurt than ever his preaching did good there are many Quakers in Carolina and to be without a minister gives them great advantage what I have writ I do assure the honorable Society it is not out of any prejudice to Mr Urmstone or self interest but purely that their Christian Charity and pious intent might be better answered with respect to that place and those poor ignorant people better provided for by a person sent capable of doing good amongst them which is the hearty wish of

Sir &c &c.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. URMSTONE TO THE SECRETARY.—(EXTRACT.)

LONDON July 21, 1721

Sir

I am now blessed be God safe arrived after a tedious and expensive voyage I hope not without leave in order to go back again on such terms as are absolutely necessary and expedient or rather to end my days in my native country and with all submission to my superiors I think it most reasonable after having served the church 27 years been missionary well nigh twelve thereof among an ungrateful people—struggled with great

inconveniences of living in such an obscure corner of the world inhabited by the dregs and gleanings of all other English Colonies and a very unhealthy Country which have driven many Clergymen out of it not being able to stay so many months as I have years and brought others to their Graves seeing then it hath pleased Almighty God to prepare me a body to endure more than any of my function ever did or I am persuaded ever will I see no reason I should be doomed to exile I hope I shall find favor for although aged I have still sufficient strength of body the Lord be praised some share of sense and ability to serve my God and his Holy Church the remains of a liberal Education long travels and scraps of the French and Italian Tongues and am of opinion employment may be found for such an one this I pray you lay before the Honorable Society this meeting at the door attends—yours &c

JOHN URMSTONE

[COUNCIL JOURNAL.]

NORTH CAROLINA SS

At a Council held at Governors house the 18th day of October 1721

Present the Hon^{ble} Charles Eden Esq^r Gov^r &c

Tho^s Pollock

Will Reed

Fran Foster

Rich^d Sanderson

} Esq^{rs} Lds Prop^{rs} Deputy

Ordered that the Secretary forthwith prepare a Proclamation for proroguing this present Elected Biennial Assembly to the first Tuesday in April next

By Order

J LOVICK Secty

[FROM N. C. LETTER BOOK OF S. P. G.]

THE SECRETARY TO GOVERNOR EDEN 1721

LONDON November 7th 1721

Hon^d Sir,

The Society for the propagation of the Gospel in foreign parts have received your Letter of the 12th of April last and upon your representation of the great want of Missionaries to supply the several vacant par-

ishes in your Government (have for the present) appointed the bearer the Reverend M^r Newman to succeed M^r Urmostone and will as soon as may be, send another to the other parishes where there is the greatest want of them M^r Newman has been very well recommended to the Society and I doubt not but he will by a faithful discharge of his holy function endear himself to the people so as to meet with all suitable encouragement from them and the society hereby earnestly recommend him to your Honor for your favor and countenance which they have reason to hope for him the great zeal you have always shown for the prosperity of the church in your Government

I am &c

D. H.

[RECORDS OF GENERAL COURT.]

NORTH CAROLINA SS.

Att a Gen^l Court of Oyer & Terminer continued & held for the s^d Province at the Gen^l Court house at Queen Ann's Creek in Chowan Precinct the 30th day of March 1721 & Contd to y^e 4 Aprill

Pres^t The Hon^{ble} ffredrick Jones Esq^r Ch: Just, Jn^o Blount, Tho^s Miller, Jn^o Worley Tho^s Pollock Jun^r Esq^{rs}

The Grand Jury are Impannell'd & sworn

Tho^s Betterly fforeman

Jam^s ffarrow W^m Havett, W^m Willson, W^m Stewart, Sam^l Bernard, Jn^o Raspberry, Griffeth Jones, W^m Charleton, Isa^c Hill, Nic^s Hunter, Jam^s Williamson, Tho^s Rountree, Jos^{ph} Sanderson, Hen. Woodhouse, W. Leary, John Allston W^m Jones.

To the Hon^{ble} ffred: Jones Esq^r Ch: Just & to the rest of the Justices for holding the Gen^l Court of the Province of North Carolina. The Jurors for our Sovereign Lord the King present that Joseph Bowring & Robert Tucker late of Currytuck in the s^d Province Yeomen, not having the fear of God before his eyes but being stird up and seduced by the Instigation of the Devil on the 20th of Janry. 1720 at Currytuck afs^d by force and armes in and upon one John Foushaw in the Peace of God and our Lord the King then & there being an Assault did make & the s^d John Foushaw did Violently beat & bruise throwing him severall times down and Dashing his head & breast against the floor & so voluntarily feloniously & of malice forethought the s^d John Foushaw at Currytuck

afs^d beat & wounded particularly in his head breast & Stomach in such Violen maner that of the s^d wound he the s^d ffoushaw did pine & Languish untill the 23^d day of the same month & on the s^d 23^d day of the s^d month at Currytuck of the afs^d maiming & mortall wounding did Dye & so the afs^d Jurors on their oaths do say that the afs^d Joseph Bowring & Robert Tucker on the afs^d 23^d day of Jan^{ry} at Currytuck afs^d the s^d John ffoushaw in maner & form as afs^d & of malice forethought did willfully & feloniously kill & murther contrary to the Peace our Lord the King his Crown & Dignity. Which Bill of Indictm^t is returnd by the Grand Jury Ignoramus notwithstanding the Court are of Opinion that the s^d Bowring & Tucker give security for their good behaviour

James Bell on the behalf of Jos^{ph} Bouring & Levi Markham on the behalf of Robert Tucker acknowledged themselves indebted to our Sovereign Lord the King that now is his Heirs and Successors in the sum of Ten Pounds each and Jos Bouring & Robert Tucker in the sum of twenty Pound each to be Levyed upon their severall goods & Chattells, Lands and Tenem^{ts} with condition that if the s^d Jos^{ph} Bouring & Robert Tucker do well behave themselves towards his Maj^{ty} & all his Leige People for six months coming then the before Recognizance to be void otherwise to remain in full force and Vertue.

NORTH CAROLINA—SS.

To the Hon^{ble} ffred^k Jones Esq^r Ch: Just & to the rest of the Justices for holding the Gen^l Court of y^e Province

The Jurors for our Sovereign Lord the King y^t now is present y^t Elizabeth Branch late of Chowan in the county of Albemarle Spinster not having the fear of God before her eyes but being moved & seduced by the Instigation of the Devil on y^e 13th day of Augst 1720 by force and armes at Chowan afs^d in and upon one Elizabeth Harris in the Peace of God & of our Lord the King then and there being the afs^d Elizabeth Harris not having any weapon then drawn, not then first striking the afs^d Elizabeth Branch did feloniously an assault make & y^t the afs^d Elizabeth Branch with a certain sharp weapon or Iron Instrument called a flesh fork of the value of one shilling which the s^d Elizabeth Branch in her hand then and there had the thigh of the afs^d Elizabeth Harris then & there feloniously did stabb & Thrust she not having any weapon yⁿ Drawn nor having first then struck the afs^d Elizabeth Branch and the s^d Elizabeth Branch at Chowan afs^d with the s^d sharp weapon called a flesh fork one Mortall wound to the afs^d Elizabeth Harris in & upon her thigh afs^d did give of the length of half an inch & the depth of two

inches whereof the s^d Elizabeth Harris did Languish & Pine untill the 20 day of 8^{hor} following, on which 20th day of October afs^d at Chowan afs^d of the afs^d Mortall wound the s^d Elizabeth Harris did Dye & so the Jurors afs^d on their oaths do say that the afs^d Elizabeth the afs^d Elizabeth Harris on the s^d 20th day of October at Chowan afs^d in maner & form as afs^d did feloniously Kill & Murther agst the Peace of our Lord the King his Crown & Dignity & against the Statute in such case made and Provided.

DANⁿ RICHARDSON, Attorney Genⁿ

Which Bill of Indictm^t being returned by the Grand Jury Billa Vera the s^d Elizabeth Branch being call'd to answer the same appeard in custody at the Barr & Pleaded Not Guilty and for Tryall thereof putt herself Upon the Country. It was then Comanded the Marshall that he should cause to come Twelve &c by whom &c. who neither &c. and there came Hen^{ry} Bonner, W^m Crawford ffr^s Brown, W^m Hancock, Jn^o Bryan, W^m Hardy Edw^d Howcott, Jn^o Pettiver, Jn^o Champion, Edw^d Wingate Edw^d Outlaw, Richard Willson who being sworn in say Not Guilty.

And the Att^{vy} Genⁿ being here in Court & having nothing farther wherewith to charge the s^d Branch. She is Discharged by Proclamation according to Law.

John Baptist Ash being bound by Recog: to appear at y^s Court & by the same was farther bound for the appearance of Jn^o Vidale they appeared, and nothing appearing agst them Orderd y^t they be discharged.

The Jurors for our Sovereign Lord the King Presents Edward Howcott for y^t he did out of a malicious & Evil Intention on the 6th day of this Int. March beat & bruise in a very Grievous maner the body of Aaron Oliver as he was going about his Lawful Occasions in y^s Precinct.

THO^o BETTERLEY fforeman.

The s^d Edward Howcott acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty Pounds & Hen^{ry} Bonner in the sum of Ten Pounds to be Levyed upon their Lands & Tenements goods & Chattells with Condition That the s^d Edw^d Howcott personally appear here the 3^d day of the next Genⁿ Court & answer the s^d Presentm^t & not depart the Court untill Discharged therefrom & that in the mean time he be of his good behaviour then the above Recog to be void else to remain in full force & Vertue.

The Jurors for our Sovereign Lord the King Presents W^m Norris of Pasquotank Precinct for willfully & Designedly eraising & interling a

Deed between Jn^o Billott, Alice his wife & Sam^{ll} Willson to be guilty of fforgery and if a sworn Register (as he has sign'd) to be Guilty of Perjury.

THO^o BETTERLEY fforeman

Ordered y^t a Venire issue agst the s^d Norris for his appearance here the 3^d day of the next Gen^{ll} Court to answer the same Presentm^t

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} being asked if he had anything farther to offer to the Grand Jury Answerd No.

Orderd they be Discharged

Dan^{ll} Richardson Esq^r Attorney General comes to prosecute an Indictm^t found by the Grand Jury last Court agst Jn^o Hassell in these words (to witt) The Jurors for our Sovereign Lord the King present y^t on the 13th day of March 1718 being Sunday at Chowan Precinct in y^a Province one John Hassell of the s^d Precinct having not the fear of God before his eyes but by the Instigation of the Devil agst the Peace of our Sovereign Lord the King divers Prophane & Irreverent words & speeches &c. (as by the s^d indictm^t here upon Record doth appear) to which Indictm^t he then Pleased not guilty.

It is comāded the Marshall that he cause to come twelve &c by whom &c who neither &c And the came Henry Bonner, W^m Crawford, ffra^s Brown, W^m Hancock, Jn^o Bryan, W^m Hardy, Sam^{ll} Spruil, Jn^o Champion, Edw^d Wingate, Edw^d Outlaw, R^d Willson Edw^d Howcott who being sworn say, We of the Jury find the within mentiond John Hassell Guilty.

The Defendant by his Attorney moved an arrest of judgm^t

Upon which it is considered by the Court that he file his Reasons for the same by tomorrow morning 8 a clock & that they be Pleased to in the afternoon but the same not being fil'd according to the Order of this Court the Cause is Contd till the next.

And thereupon the s^d Jn^o Hassell acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds & Jn^o ffalconar in the sum of Ten Pound to be Levyd upon their Lands & Tenem^{ts} goods & Chattells with Condition that the s^d John Hassell appear here the 3^d day of the next Gen^{ll} Court & Answer the s^d Indictm^t & not Depart the Court untill Discharged therefrom. And y^t in the meantime he be of his good behaviour then the before Recog: to be void else to remain in full force.

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} comes to prosecute an Indictm^t found by the Grand Jury last Court agst Jn^o Hassell in these words (to witt) The Jurors for our Sovereign Lord the King Presents y^t Jn^o Has-

sell of Chowan Precinct in this Province at Chowan afs^d agst the Peace of our Sovereign Lord the King in a Lewed & Dishonest maner Live Cohabitt & keep Company with one Sarah Wilkinson &c (as by the s^d Indictm^t here upon Record doth appear) To which Indictm^t he then Pleadet not Guilty

It is Comanded the Marshall y^t he Cause to Come twelve &c by whom &c who neither &c and there came Henry Bonner W^m Crawford ffra^s Brown, W^m Hancock, John Bryan, W^m Hardy Sam^l Spruil, Jn^o Champion, Edward Wingate, Edw^d Outlaw, Rich^d Willson, Edw^d Howcott who being sworn say We the Jury do find the withinmentioned Jn^o Hassell Guilty

Upon which it is Considered & Adjudged by the Court that y^o s^d John Hassell be amerced the sum of ffive Pounds (which is paid in Court) and be in Custody till he Enter into Recog: to be of his good behaviour twelve Months & that he shall not unlawfully cohabitt with Sarah Wilkinson.

Jn^o Hassell acknowledged himself to be Indebted to our Sovereign Lord the King in the sum of ffifty Pounds to be Levyed upon his lands & Tenem^{ts}, goods & Chattells with Condition That he well behave himself towards his Maj^{ty} & all his Liege people for twelve months from hence Coming in that in the meantime he shall not unlawfully cohabitt with Sarah Wilkinson then the above Recog: to be Void else to be & remain in full force

Paul Palmer & Joanna his wife being calld to answer an Indictm^t found agst them by the Grand Jury last Court Appeard in Custody and refusing to plead. Orderd that they be still continued in the Custody of the Marshall till they do plead &c

Paul Palmer being calld to answer an Indictm^t found agst him by the Grand Jury last Court appeard in Custody and refusing to Plead Orderd that he be still in Custody of the Marshall till he do plead &c

Joana Palmer being called to answer an Indictm^t found agst her by the Grand Jury, last Court appeard in Custody and refusing to plead Orderd that she be still in custody of the Marshall till she does plead &c.

John Birkett Sen^r & Jn^o Birkett Jun^r appeard according to their Recog to answer a Presenm^t of the Grand Jury last Court the same not being Prosecuted is Dismissd

John Birkett Jun^r appeard according to his Recog: to answer a Presenm^t of the Grand Jury last Court the same not being Prosecuted is Dismissd.

Charles Hopton & Grace his wife appeard according to his Recog: last Court Ordered that he be continued upon the same Recognizance

to appear here the 3^d day of the next Gen^l Court with which he is Content.

Jam^s ffleming being calld to answer a Presentm^t of y^e Grand Jury in July Court last the s^d ffleming being since Dead the same is Dismist.

W^m Alexander being calld to answer an Indictment found agst him by the Grand Jury appeard & Exhibited into Court a Petiōn & Order of Council in these words

Att a Council held at the House of W^m Badham March the 30th 1721

Present

The Hon^{ble} Charles Eden Esq^r Govern^r

ffrancis ffoster	W ^m Reed	} Esq ^r Deptys
Richard Sanderson	Jn ^o Lovick	

Read the Petiōn of W^m Alexander setting forth that he being a person very ignorant in any Legal proceedings through the overpersuasion of M^{rs} Damaris Sanderson Deēd he undertook to write the Will of Richard Sanderson Esq^r husband to the s^d Damaris now Deēd also. And being ignorant of the consequence of such matters did by her Order putt several things into the Will without any Orders from the s^d Rich^d Sanderson not then considering but y^t her Orders were sufficient for his so doing. Butt upon the wills being disputed and being thoroughly Informd of the Injurys y^t might ensue by the wills taking place contrary to the mind of the Testator did Voluntarily upon Oath before the Hon^{ble} the Govern^r & Coll^l Thomas Pollock Declare every thing he knew of that matter who encouraged him thereto & were well satisfyed with such his Proceedings having entirely prevented any damage y^t the s^d Will might make. Notwithstanding which in July Generall Court your Petit^r was presented by the Grand Jury for forgery and he is now under Prosecution for y^e same the premises Considered & since his Hon^r the Govern^r very well knows the truth of what the Petitioner setts forth & the Petit^r would not have been Prosecuted had it not been by the Petit^rs own Confession he humbly hopes your Hon^{rs} will consider the same & Grant him a Nol prosequi for the offence afs^d so Ignorantly Committed & your Hon^{rs} humble Petit^r shall for ever pray &c

And y^e Board taking the same into their serious consideration are of opinion y^t what the said Alexander did in Relation to the Will af^d was intirely through Ignorance & y^t he is deserving of Compasion & Mercy

It is therefore Orderd that the Attorn^y Gen^l do Enter a Noli Prosequi in behalf of the Petitioner & that the Petition^r wait on the Chief Justice and Att^y Gen^l with this Order.

A Copy

J. LOVICK Sec^y

Upon which the Attorney Gen^l movd y^t a Noli Prosequi might be Entered. But the Court take time till the next to advise whether the same may be Granted or not

Dan^l Richardson Esq^r Attorney Gen^l came to prosecute an Indictm^t found by the Grand Jury agst Rob^t Barnes & John Price for conveying away Charles Wilks to evade a Prosecution for for living in open Adultery. To which Indictm^t they pleaded Not Guilty.

It was comanded the Marsh^l y^t he cause to come twelve &c by whom &c who neither &c And there came Henry Bonner ffr^s Branch Jn^o Pettiver W^m Coward, Sam^l Woodard, Edward Wingate, Jn^o Arthur, Jn^o Harlo, Tho^s Roper, W^m Charleton Aaron Oliver W^m ffryley who being sworn say Not Guilty

And the Attorney Gen^l having nothing farther to charge them with Orderd y^t the same be Dismist

Robert Attkins & Dan^l McDaniel failing to appear last Court according to their Recognizance a sei fac was granted agst the same. No Execution thereof being returnd Orded y^t another sei fac. do issue agst the same Recognizance

Dan^l Richardson Esq^r came to present an Indictm^t found by the Grand Jury last Court agst Caleb Stevins. To which Indictm^t the s^d Stevins Pleads Not Guilty

It is comanded the Marshall that he cause to Come twelve &c by whom &c. who neither &c. And there came Henry Bonner ffr^s Branch, Jn^o Pettiver, W^m Coward, Sam^l Woodard, Edw^d Wingate, Jn^o Arthur, Jn^o Harlo, Thos. Roper, W^m Charleton, Aaron Oliver, W^m ffryley who being sworn say Not Guilty

And the Attorney Gen^l not having farther wherewith to charge the s^d Stevins, Orderd that the same be Dismist.

Francis Branch appears according to his Recog: to answer to an Indictm^t found agst him by the Grand Jury for Retailing Liquor without Licence and there appearing no evidence agst him

Orderd that y^e same be Dismist

Dan^l Richardson Esq^r Attorney Gen^l came to Prosecute an Indictm^t found by the Grand Jury last Court agst W^m Braswell for abusing a Constable in the Execution of his Office. To which he Pleaded Guilty

It is considered & adjudged by the Court that the s^d Braswell be Amerced the sum of three pounds & enter into Recog for his good behavior six months

Whereupon the s^d W^m Braswell acknowledged himself to be indebted to our Sovereign Lord the King in the sum of Ten Pounds to be Levied

upon his lands & Tenem^{ts}, goods & Chattells with Condition that he well behave himself towards his Majesty and all his Leige People for six months from hence coming then the above Recognizance to be void else to remain in full force

Dan^{ll} Richardson Esq^r came to Prosecute an Indictm^t found by the Grand Jury last Court agst Thomas Stoneham for abusing a Constable in the Execution of his office. To which he pleaded Guilty.

It is Considered by the Court that the said Stoneham be Amerced the sum of twenty shillings & Enter into Recog: for his good behaviour three months.

Whereupon the s^d Tho^s Stoneham acknowledged himself to be indebted to our Sovereign Lord the King in the sum of Ten Pounds to be Levied upon his Lands & Tenem^{ts} goods & Chattells with Condition that he well behave himself towards his Maj^{ty} & all his Leige People for three months from hence coming then the above Recognizance to be void else to remain in full force.

James M^oDaniel being Comitted into the Marshalls Custody on Suspicion of ffelony & having broke out of Gaol & made his Escape out of the Govern^{mt} the Marshall Informd the Court that he had pursued him by Hue & Cry to the uttmost Limitts of the Govern^{mt} & that he could not be taken within the same Orderd that the cause be dismist.

Alice Billett being bound by Recog: to appear at this Court to answer for a forceable entry made by her on the Plantation of Mary West of Pasquotank Precinct Widow appeard It is Orderd y^t the Inquisition taken & sent to y^s Court by Jn^o Palin Esq^r be Transmitted to him again for the Assessing of her fine

Dan^{ll} Richardson Esq^r Attorney Gen^{ll} came to Prosecute an Indictm^t found by the Grand Jury last Court against Jeremiah Vail for abusing John Blount Esq^r a Member of this Court To which Indictment he Pleased Not Guilty

It was then Comanded the Marshall y^t he cause to come twelve &^o by whom &^c who neither &^c And there came Henry Bonner ffr^s Branch Jn^o Pettiver, W^m Coward, Sam^{ll} Woodard, Edw^d Wingate Jn^o Arthur, Jn^o Hart, Tho^s Roper, W^m Charleton Aaron Oliver, W^m ffryley who were Impannell'd & sworn. And the fforeman having Deliverd to Tho^s Miller one of the Justices of this Court a blank Paper & Not Super-scrib'd which s^d paper being Deliverd by the fforeman only whilst the Court was Adjourned for a time. The Court are of Opinion that the same shall not be receivd as a Verdict

Upon motion of the Attorney Gen^l Orderd that the s^d Jer: Vail do Enter into Recog: for his appearance &c. the 3^d day of the next Gen^l Court to answer the s^d Indictm^t

Whereupon the s^d Jer: Vail acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds to be Levied upon his Lands & Tenem^{ts} Goods & Chattells with Condition that he appear the 3^d day of the next Gen^l Court & Answer to the said Indictm^t and not Depart the Court untill Discharged therefrom, And that in the mean time he be of his good behaviour then the above Recog: to be Void else to be & remain in full force

Cha^s Wilks being calld to answer to an Indictm^t found agst him by the Grand Jury faild to appear last Court & now also failing to appear Orderd y^t farther Process do issue agst him for his appearance here the 3^d day of the next Gen^l Court

Mary Brinn being calld to answer an Indictm^t found agst her by the Grand Jury for keeping Company with Cha^s Wilks &c. faild to appear last Court & now also failing to appear. Ordered that farther process do do issue against her for Appearance here the 3^d day of the next Gen^l Court.

Abraham Spivey being calld to answer to an Indictm^t found agst him by the Grand Jury for Hoggstealing Appeard & Pleded Not Guilty. The Tryall thereof is referred till the 3^d day of the next Gen^l Court.

Thomas Spivey being calld Appeared according to his Recog: to answer to an indictm^t found agst him by the Grand Jury. To which he Pleded Not Guilty. The Tryall thereof is referd till the 3^d day of the next Gen^l Court.

Benj. Spivey being calld appeard according to his Recog: to answer to an Indictm^t found agst him by the Grand Jury for Hoggstealing To which he Pleded Not Guilty the Tryall thereof is referd to the 3^d day of the next Gen^l Court

Jacob Spivey being calld appeard according to his Recogniz: to answer to an Indictm^t found agst him by the Grand Jury for Hoggstealing. To which he Pleded Not Guilty the Tryall thereof is referd till the 3^d day of the next Gen^l Court

Adjourned to the next Court in Course

FFRED. JONES Ch: Just.

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer & Terminer Continud & held for the s^d Province at the Gen^l Court House at Queen Ann's Creek in Chowan Precinct the 27th July 1721

Pres^t the Hon^{ble} ffred^k Jones Esq^r Chief Justice John Blount & Rob^t West Esq^{rs} Justices.

The Grand Jury are Impannell'd & Sworn Viz.

Jos^{ph} Jessop fforeman

Jos^{ph} Wicker, Hen^{ry} Bonner, Jam^s Williamson, Jn^o Pettiver, W^m Jones, Sam^l Spruill, W^m Stewart Sam^l Pagett, Jos Spruill, Jam^s Ming, Jn^o Swain John^s Evans, Tho^s Blitchenden, Coll. Maur. Moore, Aaron Oliver, Tho^s Harding, Tho^s Roundtree, Nic^s Hunter, W^m Lattimer, Patr^k Maule

The Grand Jury Exhibit the following Bill of Indictment to the Court.

To the Hon^{ble} ffred^k Jones Esq^r Chief Justice & to the rest of the Justices for holding the Gen^l Court for this Province

The Jurors for our Sovereign Lord the King Present that Christopher Butler of Chowan Precinct in the County of Albemarle in the Province of North Carolina Marrin^r not having the fear of God before his Eyes but being moved and seduced by the Instigation of the Devil on or about the Seventeenth day of March in the year of our Lord 1724 at Chowan afs^d by force & Armes &c. in and upon Mary Haughton the wife of W^m Haughton of Chowan afs^d in the Peace of God & our Lord the King then & there being an assault did make & the afs^d Xph^r Butler the afs^d Mary Haughton by force & Armes and Contrary to the will of the s^d Mary Haughton did then & there Violently & ffelloniously Ravish And the said Mary Haughton then & there Violently and ffelloniously agst her will Carnally know, Contrary to the Peace of our Sovereign Lord the King his Crown & Dignity & Statutes in that case made & Provided &c.

DANⁿ RICHARDSON P Duo Rege.

Which Bill is returned Ignoramus.

JAS. JESSOP fforeman.

And the s^d Christoph^r Butler being call'd appear'd & acknowledged himself himself to be indebted to our Sovereign Lord the King in the sum of fifty Pounds and Jam^s Ward & Tim^o Truelove in the sum of twenty five pounds each to be Levyed upon their severall lands & Tenem^{ts} Goods & Chattells with condition that the s^d Xph^r Buttler well behave himself to all his Maj^{es} Leige people more especially to the s^d W^m & Mary Haughton six months from hence coming then this Recog. to be void else to be & remain in full force.

Danⁿ Richardson Esq^r Attorney Gen^l came to Prosecute an Indictm^t found by the Grand Jury agst Paul Palmer for a Misdemeanour. To which Indictm^t the s^d Paul Pleaded Not Guilty

It is Comanded the Marshall that he cause to come twelve &c. by whom &c. who neither &c. And there came Tho^s Spires, R^d Skinner, Tho^s Hoskins, W^m Sadler, Edw^d Howcott, Matt Gu^ms, W^m Wattson, Jn^o Harlow, Geo. Turnedge W^m Bonner, W^m Jones, John Johnson who being sworn say. We of the Jury do find the Def^t Guilty of a Misdemeaner. Upon which Verdict the Def^t moves in Arrest of Judgm^t which is Granted & Orderd that he file his Errors ffifteen days before the next

The Grand Jury Presents M^r Tho^s Harvey, M^r W^m Little, M^r W^m Charleton Jun^r, M^r Roger Hazard, Christian Heidleburg, Js^s Hill W^m ffallaugh by the Information of John Evans one of the Jurors for swearing one oath a Piece.

Grace Morgan for having two husbands & Living in Adultery
Cha^a Hopton for ffornication

Mary Houghton for Adultery comitted \wp Curr

Christopher Butler for ffornication.

The Grand Jury being askd if they had any further presentm^{ts} to offer to the Court answerd No.

Orderd that they be Dischargd

Jn^o Holmes being bound by an order of the Precinct Court of Chowan to appear &c. at this Court. Appeard & nothing being found agst him by the Grand Jury Orderd that he be dischargd.

Jos^a Spivey being bound by an Ord^r of the Precinct Court of Chowan to appear &c at this Court appeared & nothing being found agst him by the Grand Jury. Ordered that he be Dischargd.

Soloman Jordian being bound by Recog. to appear at this Court. appeared & Nothing being found agst him by the Grand Jury Ordered that he be Dischargd

Charles Wilks being called to answer to an Indictm^t found agst him by the Grand Jury failed to appear last Court. And now also failing to appear. Ordered that Execution do issue agst him for his appearance here the 3^d day of the next Gen^l Court.

Mary Brinn being called to answer to an Indictm^t found against her by the Grand Jury failed to appear last Court. And now also failing to appear Orderd that Execution do issue against her for her appearance here the 3^d day of the next Gen^l Court

Thom^s Spivey, Abr^m Spivey, Benjⁿ Spivey and Jacob Spivey being bound by Recog. to appear at this Court to answer an Indictm^t found agst them by the Grand Jury for Hoggstealing, Appeared, And the Attorney Gen^l having absconded from Court & refusing to Prosecute on behalf of our Sovereign Lord the King. Ordered that they be cont^d upon the

same Recog. to appear here the 3^d day of the next Gen^l Court to answer the s^d Indictm^t

John Hassell being bound by Recog. to appear to appear at this Court having moved in arrest of judgm^t on a Verdict of the Jury found agst him last Court and filed his Reasons: Appeared and the Attorney Gen^l having absconded from the Court & refusing to Prosecute on the behalf of our Sovereign Lord the King Orderd that he be cont^d upon the same Recog. to appear here the 3^d day of the next Gen^l Court.

W^m Alexander being called to answer an Indictment found agst him by the Grand Jury appeared and the Attorney Gen^l refusing to Prosecute on behalf of our Sovereign Lord the King. Upon the Courts Order the s^d W^m Alexander acknowledged himself to be indebted to our said Sovereign Lord the King in the sum of Two hundred pounds to be Levyed upon his Land & Tenem^{ts} goods and Chattells with condition that the s^d W^m Alexander personally appear here the 3^d day of the next Gen^l Court & not depart the Court untill Discharged therefrom and that in the mean time he be of his good behaviour then the above Recog to be Void else to remain in full force.

Dan^l McDaniel & Rob^t Attkins being calld to answer to their Recog, but they having they having absconded & withdrawn themselves & Effects out of this Governm^t Ord^d that the same be Dismist

Paul Palmer & Joanna his wife being calld to answer to an Indictm^t found agst them by the Grand Jury App^d by their Attorney & Pleaded Not Guilty but the Attorney Gen^l having absconded the Court & refusing to Prosecute on behalf of our Sovereign Lord the King. Orderd that the Tryall therof be referrd till the next Court and that the s^d Paul Palmer Enter into Recog for his appearance here the 3^d day of the next Gen^l Court.

Whereupon the s^d Paul Palmer acknowledged himself to be indebted to our Sovereign Lord the King in the sum of one hundred Pound & Joseph Jessop & John Pettiver in the sum of fifty Pounds each to be Levyed upon their severall Lands and Tenem^{ts} goods and Chattells with Condition that y^e s^d Paul Palmer & Joanna his wife appear here the 3^d day of the next Gen^l Court and not Depart the Court untill Discharged therefrom then this Recog. to be Void Else to be & Remain in full force.

Joanna Palmer being calld to answer to an Indictm^t found agst her by the Grand Jury Appeard by her Attorney & Pleaded Not Guilty, but the Attorney Gen^l having absented from Court and refusing to prosecute on behalf of our Sov^ereign Lord the King, Orderd that the Tryall thereof be referrd till the next Court & she enter into Recognizance for her appearance here the 3^d day of the next Gen^l Court

Whereupon Joseph Jessop & Jn^o Pettiver acknowledged themselves to be indebted to our Sovereign Lord the King in the sum of one hundred Pounds each to be Levyed upon their severall Lands & Tenem^{ts}, goods & Chattells with Condition. That the s^d Joanna Palmer appear here the 3^d day of the next Gen^l Court & not Depart the Court untill Discharged therefrom then the above Recog to be void else to be & Remain in full force

Charles Hopton being bound by Recog: to Appear at this Court & nothing being alleadged against him. Ordered that he be Discharged

Edward Howcott being bound by Recog: to appear at y^e Court to answer to an Indictm^t found agst him by the Grand Jury appeard, but the Attorney Gen^l Having absented himself from Court & refusing to Prosecute on behalf of our Sovereign Lord the King, Orderd that he be continued upon the same Recog: to the 3^d day of the next Gen^l Court with which the said Howcott is Content.

NORTH CAROLINA—ss.

To the Hon^{ble} Fred^k Jones Esq^r Ch. Just & to the rest of the Justices for holding the Gen^l Court of this Province.

The Jurors for our Sovereign Lord the King on their oaths Present W^m Norris of Pasquotank Precinct within this Province that on the 24th day of July Anno. Dom 1717 having not the fear of God before his Eyes, by the Instigation of the Devil & evil disposed Inclinations he the s^d W^m Norris at Pasquotank afs^d did forge a Deed from Alice & John Billett to Sam^l Willson with an intent & Designe to alter the freehold of the Land therein granted might be defeated contrary to the Peace of our Sovereign Lord the King that now is his Royall Crown & Dignity & against a Statute in that Case made & Provided &c.

DANⁿ RICHARDSON P Duo Rege

Which Indictm^t being Read and the s^d W^m Norris calld appeard but the Attorney Gen^l having absented from the Court & refusing to Prosecute on behalf of our Sovereign Lord the King. Orderd that the s^d W^m Norris do enter into Recog: for his appearance here the 3^d day of the next Court to answer the said Indictm^t

Whereupon the s^d W^m Norris acknowledged himself to be indebted to our Sovereign Lord the King in the sum of three hundred Pounds & Tho^s Comander in the sum of two hundred pounds to be Levyed upon their Lands & Tenem^{ts} Goods & Chattells with Condition that the s^d W^m Norris do personally appear here the 3^d day of the next Gen^l Court &

not Depart the Court untill discharged therefrom And that in the mean time he be of his good behaviour then this Recog. to be void Else to be & Remain in full force

George Griffin being bound by Recog. to appear at this Court to answer for a contempt in not obeying a Precept from a Magistrate appeared and acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pound & George Turnedge in the sum of ten Pounds to be Levied upon their severall Lands & Tenem^{ts} Goods & Chattells with Condition that the s^d Geo. Griffin do personally appear here the third day of the next Gen^l Court & answer for the s^d Contempt & not Depart the Court untill discharged therefrom & that in the mean time he be of his good behaviour then this Recog to be Void else to be & remain in full force.

Adjourned till the next Court in Course

FFRED. JONES Ch. Just

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer & Terminer held for the s^d Province at the Gen^l Court House at Queen Ann's Creek in Chowan Precinct the 31st 8ber 1721 & Cont^d to the 2^d Nov^r following

Pres^t Jn^o Blount, Rob^t West, & Jn^o Worley Esq^{rs}

Jabez Allen & W^m Halsey being calld to answer the Complaint of Jn^o Arthur for stealing a Ram from him the s^d Arthur and the s^d Jabez Allen & W^m Hallsey being Examined & the Evidences heard. It is considered by the Court that the s^d Jabez Allen do immediately receive at the whipping Post thirty-one Lashes on his bare back and twenty one more to-morrow morning well laid on.

And forasmuch as the s^d Halsey is accessory in the s^d Theft it is considered by the Court that the s^d Halsey do pay unto the s^d Jn^o Arthur three Pound in satisfaction for the s^d Ram or, Receive thirty one Lashes at the whipping post on his bare back. And that he give security for his good behaviour for twelve months

W^m Hallsey acknowledged himself to be indebted to our Sovereign Lord the King in the sum of twenty pounds & James ffarrow in the sum of Ten Pounds to be levyd upon their Lands & Tenem^{ts} goods & Chattells with Condition that the s^d W^m Hallsey do well behave himself to all his Maj^s Leige People twelve months from hence coming & more especially towards the s^d Jn^o Arthur then this Recog: to be void Else to remain in full force & Vertue

Cha^s Wilks being calld to answer to an Indictm^t found agst him by the Grand Jury faild to appear last Court & now also failing to appear Orderd that farther process do issue agst him for his appearance here the 3^d day of the next Gen^l Court.

Mary Brinn being calld to answer to an Indictm^t found agst her by the Grand Jury faild to appear last Court & now also failing to appear Orderd that farther process do issue agst her for her appearance here the 3^d day of the next Gen^l Court

Abraham Spivey being bound by Recog. to appear at this Court to answer an Indictm^t found agst him by the Grand Jury for mismarking hoggs appeard Orderd that he be continued upon the same Recog for his appearance here the 3^d day of the next Gen^l Court with which the s^d Abraham is Content.

Tho^s Spivey, Abr^m Spivey Benjⁿ Spivey & Jac^b Spivey being bound by Recog. to appear here at this Court to answer an Indictm^t found agst them by the Grand Jury for Hoggstealing appeard, Orderd that they be continued upon the same Recog: for their appearance here the 3^d day of the next Gen^l Court with w^{ch} they are Content.

Jn^o Hassell being bound by Recog: to appear at y^s Court to answer an Indictm^t found agst him by the Grand Jury for prophane words appeard, Orderd that he be continued upon the same Recog: for his appearance here the 3^d day of the next Gen^l Court, with which he is Content

W^m Alexander being calld to answer an Indictm^t found agst him by the Grand Jury for fforgerie faild to appear Ord^d that he appear here the 3^d day of the next Gen^l Court & answer the s^d Indictm^t

Paul Palmer & Joanna his wife being bound by Recog: to appear at the y^s Court to answer to an Indictm^t found agst them by the Grand Jury appeard Ord^d that they be continued upon the same Recog: for their appearance here the 3^d day of the next Gen^l Court with which they are Content.

Paul Palmer being bound by Recog to appear at this Court to answer to an Indictm^t found agst him by the Grand Jury for a Misdemeanour. Appeard Orderd that he be continued upon the same Recog for his appearance here the 3^d day of the next Gen^l Court with which he is Content.

Joanna Palmer being bound by Recog. to appear at this Court to answer to an Indictm^t found agst her by the Grand Jury for a Rescons appeard. Orderd that she be continued upon the same Recog: for her appearance here the 3^d day of the next Gen^l Court with which she is Content.

W^m Norris being bound by Recog. to appear at this Court to answer to an Indictm^t found agst him by the Grand Jury for forgery appeared Orderd that he be Cont^d upon the same Recog: for his appearance here the 3^d day of the next Gen^l Court with which he is content

George Griffin being bound by Recon. for his appearance here at this Court to answer for a contempt appeared Orderd that he be continued upon the same Recog. for his appearance here the 3^d day of the next Gen^l Court with which he is Content.

Orderd that Jos^{ph} Spruill be Overseer of the Highway in the room of Tho^s Winn & of the same District

Adjourned to the next Court in Course

[B. P. R. O. S. C. B. T. No. 1.]

INSTRUCTIONS FOR THE HON^{ble} FRANCIS YOUNG ESQ^{re}
ONE OF HIS MAJESTY'S COUNCIL AND JOHN LLOYD
ESQ^{re} ONE OF THE MEMBERS OF THE COMMONS
HOUSE OF ASSEMBLY (BY AN ACT OF THE GENERALL
ASSEMBLY RATIFYED THE 19th DAY OF SEPT: LAST)
APPOINTED AGENTS TO GO TO GREAT BRITAIN TO
TRANSACT AND SOLLICIT THE AFFAIRS OF THIS
HIS MAJESTY'S PROVINCE OF SOUTH CAROLINA.

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6^{thly} In case the government of North Carolina fall under the King you are to represent the necessity of its being a dependant Government on this by shewing how much this Province suffers by the inhabitants and slaves running away there where they are succour'd but in case it continues a distinct government you are to apply for the King's orders to the Gov^{rs} of Virginia and of North and South Carolina to meet and settle the frontiers to the Northward and to consult the security thereof and that the head of the North Branch of Cape Fear River and from thence by a due west line parrallel to the line of Virginia be the settled bounds for ever and you are to shew the many inconveniences and disputes which must arise from the delays of settling that affair now the settlements are like to joyn

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And you are also to use your utmost endeavours that His Majesty may be pleased not to renew Sir Robert Montgomery's Grant at all (shewing the ill consequences thereof) or at least not without a clause to provide for his reimbursing all the charges and expences bestowed on any Buildings or Settlements therein

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ARTHUR MIDDLETON P. Council

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SIGILLI
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RA. IZARD

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LOCUS
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RICHARD BERESFORD

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T. HEPWORTH

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RICH. ALLEIN

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W. BLATHWAY

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ANDREW ALLEN

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1722.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at Eden house pursuant to an Act of Assembly of this province Entitaled an act for preserving the Kings Peace &c, March 30th 1722

Present the Hon^{ble} Thomas Pollock Esq^r Eldest in Council

Will Reed

Fra Foster

Rich^d Sanderson

John Lovick

} Esq^{rs} Lords prop^{rs} Dep^{ty}s

The Honble Charles Eden Esq^r our late Governor having departed this life on Monday the 26th past and this Board being met according to Law for the Election of a President for the future suport of Government, and the Question being put the Hon^{ble} Thomas Pollock Esq^r was

Unanimously Chosen President of the Council and Commander in Chief of this Colony who being duely qualified took his place accordingly

And This Board taking into Consideration, the great Fatigue and Trouble that will attend the Hon^{ble} the President in his Administration of the Governm^t and the Expences which naturally follow such posts Doe order for his supporting the Dignity of Governm^t That the Lords Proprietors Reciever General Doe pay to the s^d President the sum of Three hundred pounds £ annum in Quarterly payments the usual sallary Lately paid the Lords prop^{rs} Gov^{rs}

Ordered

That a Proclamation do immediately Issue to give notice of the settlem^t of the Government and to continue all Officers til the Hon^{ble} the Presidents pleasure be further knowne

Ordered

That a proclamation doe immediately Issue for further proroguing the Assembly til the first Tuesday in August next to meet at the place formerly appointed.

Then Christopher Gale Esq^r presented to this Board a Deputation from M^{rs} Eliz Blake widow mother of Joseph Blake Esq^r one of the True and absolute Lords proprietors which being read and allowed and the Oath appointed by Law being administred the said Christopher Gale Esq^r took his place at the Board accordingly

Then this Board adjourned to Edenton on Wednesday next to meet by ten a Clock in the morning

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at Edenton the 4th day of April Anno Domi 1722

Present The Hon^{ble} Thomas Pollock Esq^r President &c

William Reed	} Esq ^r Lds prop ^{rs} Deputys
Rich ^d Sanderson	
Christoph ^r Gale	
John Lovick	

Read the Petition of Co^{ll} Maurice Moor and M^r John Porter attorney to John Walker Adm^r of the Estate of Ebenezer Taylor Clerk Deced in the words Viz^t that the s^d Ebenezer Taylor being possessed of a very valuable Estate Consisting in Goods and Money of this Government to

the value of divers hundreds of pounds And in the Course of his Mission Travelling by water from Bath Towne to Coor sound he fell Sick & Dyed and not without Suspicion of some foule practices of one Daniel Mack Daniel & others who Transported him upon whose Death the said Daniel Mack Daniel being in possession of the Goods and Money belonging to the s^d Eben^r Taylor confederating with one Robert Atkins (as is supposed) Embezzled or stole most of the money at least Two hundred and Ninty pounds whereupon process being Issued against the s^d Mack Daniel and Atkins who were attached to answer Felony who thereupon deposited in the hand of the late Chief Justice the afores^d sum of Two hundred and Ninty pounds that was stolen from the s^d Eben^r Taylors Estate and the s^d money stil remaining in the hand of the late Chief Justice as forfeit praying that the Equity the s^d John Walker hath unto the said money may be considered of And that such an order may be granted them as that the s^d late Chief Justice may deliver the s^d money to him that so he may be Enabled to pay the Debts of the Dece^d &c

Ordered That Co^{ll} Frederick Jones late Chief Justice have notice hereof and that he attend this Board at M^r Badhams house at Edenton to morrow by Ten a Clock in the forenoon either in person or by his attorney to Shew Cause why the s^d money should not be delivered as prayed for

Read the Petition of Jobn Walker shewing That whereas by an act of Assembly It is Enacted that if any person Seized of Lands in fee simple happen to Dye without heirs or makeing any Disposition thereof by will &c whereby the said Lands Escheat they shall be granted after the manner set forth in the s^d Act under Colour of which act one Robert Hicks of Chowan purchased a patent for one hundred acres of Land lying near Kendricks Creek in Chowan afores^d Suggesting that one John Burnet dyed thereof seized in ffee and accordingly on the 12th of June last obtained an Inquisition to be found and returned Viz (That the said John Bernet dyed without heirs or disposing of the s^d Lands) in order that the said Robert Hicks might obtain a grant thereof by an Escheat Patent according to the said act and setting forth that the Petitioner was then in actual possession of the s^d Land by virtue of a patent Lawfully obtained and that the ffee & sole Right thereof was at the time of the s^d inquisition & before in the s^d Petⁿ praying that a patent may not be granted to the s^d Hicks upon the inquisition afores^d and that the Escheat may be declared Viod & Null and he likewise further showeth That if the Land doth Lawfully Escheat the Pet^r at the time of the inquisition being in possession thereof he (according to the s^d act) paying the Composition

aught to have the same &c which having been duly considered of, this Board is of Opinion That by the Death of John Burnet who dying without heirs or making any disposition of the s^d Lands mentioned in the Petition the s^d Lands did instandy revert to the Lords prop^{rs} and they having granted a patent to the pet^r before the Office of Escheat was found that the said Escheat is Null and Void and of non Effect

It is therefore Ordered That the Secty forbear making a patent on the Escheat mentioned in the Petition

Read the Petition of Thomas Boyd Shewing That he payd the purchase money of some Land lying in Bath County since which the said Pet^r has reason to believe that one Robert Campaine has Surreptitiously obtained a receipt from M^r Patrick Maule the Deputy Rec^r and antedated the time of it being writ and praying that no patent may Issue for s^d Land untill he's heard thereto & that he may have Summons granted for such Evidences as will prove the same &c

Ordered that Summon's may be granted as prayed for

Read the Petition of William Gray Shewing that one Adolphus Henson Obtained in March 1717 a Patent for 450 Acres of Land lying at the Banks which is become Lapsable for want of due seating and planting thereon praying that he may have a Lapse patent for the same

Ordered that a patent be granted as prayed for

Read the Petition of James Bull shewing that that one Henry Hayman patented a Small Island lying in pasquotanck about Twelve years agoe known by the name of Hayman's Island w^{ch} is not seated and planted thereon as the Law directs and praying he may have Lapse patent for the same

Ordered That a patent may Issue as pray'd for

Read the Petition of Thomas West Shewing That Valentine & William Braswil obtained patents for 640 acres of Land lying at Urah Swamp w^{ch} is become Lapsable for want of seating and planting thereon praying that a Lapse patent may be granted him for the same

Ordered That a patent Issue as prayed for

Read the Petition of Daniel Mackfashion and Thomas Lewis Shewing that one Edward Jones about ffour years agoe obtained a patent for 400 Acres of Land lying in pasquotank which not being seated and planted according to Law they prays that they may have a Lapse patent for the same

Ordered That a patent do Issue as prayed as prayed for

Read the Petition of Samuel Spruel Shewing that James Singleton in the year 1716 obtained a patent for 93 Acres of Land lying Scooperlong

w^{ch} the s^d Singleton has not seated according to Law therefor prays that he may have a Lapse patent for the said Land

Ordered that a patten be issued as prayed for

Read the Petition Thomas Brown shewing That his ffather Dr Samuel Brown obtained and has a patent for 330 Acres of Land lying in Chowan in the year 1717 but not having seated the same as the Law directs prays that he may have a Lapse patent for s^d Land

Ordered that a patent Issue as prayed for

Read the Petition Samuel Brown shewing that Thomas Brown obtained a patent for 640 Acres of Land lying in Chowan in the year 1717 which is become Lapsable for want of due seating and planting the same Therefore prays that he may have a Lapse patent for the said Land

Ordered That a Patent Issue in the said Sam^l Browns Name as prayed for

Read the Petition of James Boon Shewing that in March 1718 one John Hamilton obtained a patent for 360 acres of Land lying over Cat-tawitoke Perkosin called the Oak Ridge w^{ch} said Land not being seated as the Law directs is become Lapsable wherefore he prays that a Lapse patent may be granted him

Ordered that a patent Issue as prayed for

Read the Petition of Jeremiah Everton Shewing that Stephen Richardson in the year 1716 Obtained a patent for 250 Acres of Land lying in pasquotank which for want of Seating as the Law directs is become Lapsable therefore prays a Lapse patent may be granted him

Ordered that a patent Issue as prayed for

Read the Petition of William Maderen shewing That Thomas Abington in the year 1704 obtained a patent for 445 Acres of Land lying in Pasquotank precinct which he not seating and planting thereon as the Law directs is become Lapsable and therefore prays a Lapse patent may be granted him

Ordered That a patent Issue for the s^d Maderen as prayd for.

Read the petition of John Hinton Shewing that in the year 1716 John Odam obtained a patent for 350 Acres of Land lying on Bennets Creek and for want of due seating and planting the same as the Law directs it is become Lapsable

Ordered that a patent Issue as prayed for

Read the Petition of Edward Scott shewing that in the year 1714 James Pritchard obtained a patent for 290 Acres of Land lying in Pasquotank lying in Robbs Creek for want of being seated & planted thereon prays that Lapse patent may be granted him

Ordered that a Lapse patten Issue as prayed for

The Hon^{ble} Thomas Pollock having been Elected President of the Council &c and as such representing his Excell^{ty} the palatin at this Board and signifying that he was willing to resign the Deputation as Deputy to his Grace the Duke of Beaufort. This Board Unanimously Chose Thomas Pollock Jun^r Esq^r to act as Deputy in the room of the Hon^{ble} the president till his Grace the Duke of Beaufort pleasure be known who being duly qualified took his place at the Board accordingly

An Instrument from the Lords Proprietors Constituting and appointing the Town of Beaufort a port for the unloading and discharging Vessells &c was read and allowed of

Ordered That the same be recorded in the Sectys Office.

John Lovick Esq^r produced to this Board a Comission from his Excellcy the palatin and the rest of the true and Absolute Lords prop^{rs} appointing him secretary of this province which being read and allowed of and the s^d Lovick duly qualified Ordered that the Commission be recorded in the Council Journal

Read the Petition of Thomas Williamson shewing that John Hardy about nine years past obtained a patent for a parcel of Land lying near Cashoke which was lapsed from John Bird which land the said Hardy has not seated and planted according to the Tenor of the patent praying that a Lapse patent may be granted him for the same and Thomas Hardy Jun^r Ex^r to the said Hardy appearing and alleadging that the said Land was Legally seated and planted

Ordered that the Surveyor General and M^r Lawrence Sarson be appointed to view the s^d land and that they make report thereof to this Board at the next sitting

Read the Lible of Jame Tooke Scott Thomas Scot Mary Scot Eliz^a Sarah Icot minors producing by their next friend John Scot, their Father against Thomas Commander & W^m Effingham Ex^{rs} of the last will and Testament of James Took Complaining Sheweth That whereas the said James Took late of Pasquotank on or about the month of March 1720 dyed having made a will and appointing the said Thomas Commander and William Effingham Exec^{trs} who accepting thereof Caused the said will to be proved and obtained Letters Testamentary thereon and your Complaint^s say that the said James Took in and by the said last will and Testam^t *inter alia* did give and Bequeath divers legacys to your Compl^t particularly to the s^d James Tooke Scot Two Negroes between sixteen years of Age and Twenty and one young horse about ffive years old and to the said Thomas Scott Two Negroes of about sixteen and Twenty years of age and also a young horse of about Five years of age and to

the said Mary Scott Eliz^a Scott and Sarah Scott each of them a young Negro about sixteen years old as your Compl^{ts} are ready to make appear yet nevertheless the said legacys given as afors^d to your Complaint^t They the s^d Thomas Commander and William Effingham Exec^{rs} as aforesaid altho often desired refuse to deliver the Comp^{lts} pray remedy therein and that the said Thomas Commander and William Effingham the s^d Ex^{rs} may be compelled to deliver your Comp^{lts} their several Legacys afors^d and also pay them all such reasonable Costs and Damage by them Expounded and sustained by being forced to this their suit and that your Hon^r will be pleased to grant a Citation directed to the s^d Thomas Command and William Efferingham Exec^{rs} afors^d thereby Commanding them to appear in Council at such time and place as the Gov^r shall appoint to answer the premises and to abide and stand by such orders decree and sentence as in Council shall be made thereon

And Daniel Richardson Esq^r Advocate for the Def^t laid before this Board the following protest in these words (Vizt)

The protest of Thomas Commander one of the Def^t to the pretended Libel of James Took Scott Thomas Scott Mary Scott and Elizabeth Scott and Sarah Scott by John Scott their Father

The s^d Defendant by protestation not confessing or acknowledging all or any the matters or things in the said pretended Libell contained to be true in such maner and form as therein are sett forth and Charged against this Def^t ffor answer to so much thereof as he is compellable to make saith that the Complainants being minors and thereby not in a capacity to stand in Judgment ought to have had a Curator or Curators assigned them by this Court in such manner and forme as near as can be as the Laws and practice of the Excelesiastical Court prescribes and directs before. they would obtain a Citacon from the Court otherwise the said Citation is Void and of none Effect and that till such Curator be appointed and he has duly and legally Commenced Suite as Curator or Curators to the Minors ag^t the Def^t he is not any wayes Compellable to pay the Legacys nor indeed ought he so to do but saith he is ready to perform & fullfill the said James Tooks will as farr forth as he is able and be safe in it and when in a Lawfull and regular manner he shall be required and Comanded thereunto all which matters and things this Def^t is and will be ready to aver and prove and thereupon this Def^t humbly asketh the opinion and Judgment of this Hon^{ble} Board and prays to be dismiss with his reasonable Costs and Charges in this behalf most wrongfully sustained

And the matter being heard on both sides

It is Ordered by this Board that John Scott the Father with three Minors that are upward of seven years of Age attend this Board at their next sitting and that such Judgement may be made thereon as is just & right

Read the Libel of Thomas Armour against John Armour the Def^t failing in his appearance

Ordered that he appear at the next Board otherwise Judgement will be given according to the Rules

Read the Libel of John Solly Adm^r of the Goods and Chattles of David Jones dec^{ed} against Mary Jones and others and the Def^{ts} failing in their appearance

Ordered That they appear at the next Board otherwise Judgment will be given according to the Rules

Adjourned to Thursday next

Thursday morning this Council met according adjournm^t

Present as before

Co^{ll} Frederick Jones having been ordered to attend this Board upon the petition of Maurice Moor and John Porter &^c this day and the s^d Jones not appearing nor sending any satisfactory message

It is the opinion of this Board that the moneys lodged in the hands of the s^d Co^{ll} Jones, late Chief Justice as a pledge for the appearance of Rob^t Atkins and Daniel Mack Daniel at the General Court ought to have been delivered to the present Chief Justice with the General Court papers and records And thereupon It is Ordered that the s^d Co^{ll} Frederick Jones do immediately pay to Christopher Gales Esq^r Chief Justice or his order whatever money he has in his hands as afor^{sd} for the appearance of the afor^{sd} Rob^t Atkins and Daniel Mack Daniel and for his so doing this shall be his sufficient warrant and in case of failure hereof The Attorney Gen^l is hereby ordered to take proper measures for the recovery of the same

Tom Blount King of the Tuskararo Nation in behalf of himself and Nation having presented a Petition to this Board shewing the difficulty they labour under by the Encroachments of the English upon their settlements Earnestly begging this Board to ascertain his Bounds on Moratock to prevent future Contests

Ordered the survey Gen^l and Co^{ll} Robert West at some convenient time repair to Blounts Town and that they lay out the Bounds pursuant to the agreement made with Blount in May 1719 and that Mr Charleton the interpreter do attend them so that they have the matter settled to lay before this Board at their next meeting

And it is further ordered that for their trouble and Expence in this Affair (if the Assembly do not allow them their Claim for the service) that they shall have an order from this Board to the Receiver to defray the same

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council at the house of the Hon^{ble} the Presidents the 14th day of June 1722

Present The Honoble Thomas Pollock Esq^r President &c

ffray ffoster	} Esq ^r Lds Proprietors Dep ^{ty} s
Chris Gale	
John Lovick	
Tho ^s Pollock Jun ^r	

The Question being put whether Lands taken up in large quantities on the grand Deed before the Lords Proprietors Instructions That no one person should take up in one place above the Quantity of 640 Acres and the same granted in one patent are saved from lapsing by building a house & planting ffencing and Tending one Acre of Ground

This Board was unanimously in their opinion in the affirmative

Co^{ll} William Maule the surveyor Gen^{ll} with Co^{ll} Robert West having been appointed by this Board (to prevent future contests) to lay out the Tuskarurae Indians bounds on Morrattock which they not having complied with John Lovick Thomas Pollock Junr Robert West Esq^r are hereby appointed to see that affair determined and that there may be no Cavils hereafter concerning their bounds on Co^{ll} Jones Land They are to Endeavour to get Co^{ll} Edward Moseley who laid out the said Land to attend them with M^r William Charleton for an Interpret^r who are to be allowed for their Troubles herein as is diricted in the former order of Council for that purpose

Christopher Gale Esq^r presented to this Board a Deputation from the Honoble James Bertie Esq^r one of the true and absolute Lords Proprietors appointing him his Deputy to represent him in Council which having been read and allowed of the said Christopher Gale Esq^r was duly Quallified and then took his place at the Board accordingly

Read the Petition of the Inhabitants of Core Sound shewing that whereas the Lds Proprietors having appointed Core Sound to be a free Port and that several persons have settled there and more Excepted and by reason of the Precinct Courts being kept at Neuse they are under very great hardships in ferrying horses (Especially in bad weather) to attend that Court Wherefore that their petitions may be taken in Consideration and that a new precinct may be Erected independant of Neuse and that a Commission may be granted them wth such privileges as other precincts have & enjoy Which being considered of is Granted only this Board takes further time to consider of proper bounds for the Division of the precincts till their next meeting

The Deputation of Joseph Blake Esq^r one of The True and absolute Lords proprietors being Vacant this Board unanimously made choice of John Blount Esq^r to represent the said Jo Blake who being duly Qualified took his place at the Board accordingly

Luke Measel being brought before this Board as Commiss^r appointed by act of Assembly for determining affairs relating to Indians by a warrant from the Honoble the President for his having abused and beaten a Tuskarorae Indian belonging to King Blount whom he knocked down with his Gun and then sett his Dogg at him which bit him in several places and put the said Indian in great danger of his Life, And the said Measley being Examined confessed that he with two others being in the woods heard a Gun fired which he making to, found an Indian Loading his Gun who had just before Killed a Deer and that he bid the s^d Indian go and Hunt on the other side Quitsna and the Indian making him some answer he by force took his Gun from him and struck him wth it on the side of the head and whilst they were struggling the Exam^{ts} dog run at the Indian and bit some where about the knee But the Emaminant denys that he set the dog at him as is set forth in the Complaint

And this Board having duly Considered of the matter & Consequences that will attend such proceedings Doe order that the Constable doe keep the said Measel in his Custody and that he have him at King Blounts Towne on Teusday next before John Lovick Thos Pollock and Robert West Esq^{rs} who are hereby directed thol^y to Examine into the comp^{ts} and pass such Judgm^t thereon as shall be agreeable to Law and Justice and to make report of their proceedings herein to the next Council

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Honoble the Presidents house August y^e 8th
1722

Present The Honoble Thomas Pollock Esq^r President &c

Christopher Gale	} Esq ^{rs} Lds Prop ^{trs} Dep ^{ty} s
John Lovick	
Tho ^s Pollock Jun ^r	

The Honoble the President having informed this Board that an Indian name John Cope belonging to King Blounts Towne did on Saturday the 4th past in the night Feloniously break into his Lodging room which this Board having considered of Doe hereby order that the Chief Justice do on Tuesday the 14th Inst call a special Court of Oyer and Terminer for the Tryall of the said Indian and that a copy of this order signed by the President under the Colony seal and Counter Signed by the Secty shall be a sufficient authority to the said Cheif Justice for his holding the said Court and it is farther ordered that King Blount have notice hereof that he and some of his men may attend (if they see fitt) at the Tryall afors^d

Pursuant to a former order of Council for making Core sound a separate Precint from Craven It is resolved that the said precinct be Called and distinguished by the name of Carteret precinct and that the bounds thereof shall be and include all the Lands lying on the said sound, Bogue sound and the rivers and Creeks runing into them including all the Settlements to the Southward thereof untill there shall be a further division of other Countrys or precincts

And that Craven Precincts shall Consist of the Settlements upon Neuse Trent and their Branches including Bear River and John Nelson Richard Russill Enoch Ward Joseph Bell and Richard Whitehurst are appointed Justices of the Peace for Carteret precinct afors^d

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held by Virtue of an act of Assembly Entitled an Act for Preserving the Peace &c at Edenton the 7th day of September An
Dom 1722

Present The Hono^{ble} William Reed Esq^r Eldest Councill^r

Christopher Gale	} Esq ^{rs} L ^{ds} prop ^{trs} Dep ^{ty} s
Richard Sanderson	
John Lovick	
Thomas Pollock	
John Blount	

Mr Thomas Pollock having departed this life the 30th of August past and the Board being met to Elect a new President the Question being put the Hono^{ble} William Reed Esq^r was unanimously chose President of the Council and Comander in Chief of this Province till the Lds Proprietors pleasure be further known therein who having taken the Oaths by Law appointed as well as the Oathes to observe the Laws of Trade took his place at the Board accordingly

Ordered That the usual salary paid to the late Governors and President be paid to the Hono^{ble} William Reed while he shall continue President and that the Lords Prop^{rs} Receiver General pay it Quarterly as formerly

Ordered That a proclamation doe forthwith Issue to give notice of the present Establishment and for the continuance of all Officers till the President's pleasure be further known

Ordered That the Deputy Marshall in each District within this Governm^t attend the persons chose as Representatives for this present Biennial Assembly and acquaint them that this Board is come to a resolution of holding the assembly at Edenton the first Tuesday in Octo^r next according to their proclama^{ti}on without fail

Christopher Gale Esq^r making a motion to this Board and producing a Lre from the Lords prop^{trs} to Gov^r Eden acquainting him that it was His Excell^y the Palitins opinion that the said Gale as Chief Justice should take place in Council next the President which this Board agreeing to he took his place accordingly

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at Edenton the 18th day of Octo^r 1722

Present The Honorable William Reed Esq^r Presid^t &c

Christ Gale	} Esq ^{rs} Lds prop ^{trs} Dep ^{ty} s
Rich ^d Sanderson	
John Lovick	
Tho ^s Pollock	

Read the Partition of James Mack Daniel Shewing that Abel Ross above three years ago obtained a Patent for 300 acres of Land lying in Pasquotank and not being seated and planted as the Law direct is become Lapsable therefore prays he may have a Lapse patent for the same

Ordered that the same be granted as prayed for

Read the Petition of James Mack Daniel Shewing That the Honoble the President Lapsed a peice of Land above three years agoe lying in Pasquotanque containing 800 acres of Land which is become Lapsable for want of due seating and planting thereon praying That a patent may be granted him for the same

Ordered that the same be granted as prayed for

Read the petition of Richard Dange shewing that in the year 1715 William Swann obtained a patent for 300 Acres of Land lying in Cur-ratuck and for want of being duly seated and planted as the Law directs is become Lapsable therefor prays a patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Mathew Caswell Shewing that John Petiver obtained a patent in the year 1718 for Acres of Land lying on Pineknot Ridge at Scupernung w^{ch} not being seated and planted as the Law directs is become Lapsable therefore prays a Lapse patent may be granted him for the same

Ordered that the same be granted as prayed for

Read the Petition of Daniel Ogwin Shewing that Lewis William obtained a patent in the year 1714 for a Tract of Land but not seating and planting thereon as the Law directs is become Lapsable for want of seating and planting therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as pray'd for

Read the Petition of William Barelet Shewing That Thomas Robinson above five years ago obtained a patent for 500 Acres of Land lying on Pasquotanke the head of Little River w^{ch} not being seated and planted as the Law directs is become lapsable for want of seating and planting as the Law directs is become Lapsable therefore prays that a Lapse patent may be granted him

Ordered That a patent be granted as prayed for

Read The Petition of Thomas Ashley Jun^r shewing That in the year 1718 his father obtained a patent for 300 Acres of Land lying on the west shore which for want of seating and planting is become lapsable praying a patent may be granted him for y^e same

Ordered the same be granted as prayed for

This Board having in March last Ordered John Scott Father to James Took Scott Thomas Scott Mary Scott Elizebeth Scott and Sarah Scott Legatees in the will of James Took de^d to attend this Board which order was made upon the Protest of Daniel Richardson Esq^r advocate for Thomas Comander and William Efferingham Exec^{rs} of the said James Took's will against the proceeding of the said John Scot because he was not legally allowed Curator to the said Children and Christopher Gale Esq^r Chief Justice producing to this Board a Certificate dated in July last shewing that the said John Scot did come before him and that in his presence Mary Scot Elizabeth Scot Sarah Scot Thomas Scot and James Took Scot the Legatees afores^d did chose the said John Scot their Curator or Guardian which this Board having duly considered of and knowing that the Judge or Ordinary was at the time very ill in his Bed and not capable to take their acknowledgm^t are satisfied with the s^d John Scot's proceedings and do allow and appoint him the said John Scot Curator to the Children Legatees as afores^d

And the advocates to both partys appearing and having argued whether the Libel should stand good which was taken out by the said John Scot in behalf of his Children before he was allowed to be curator

This Board having duly weighed the matter argued on both sides are of opinion that the Libel is not well supported and doe therefore order that the same be signified

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a General Biannual Assembly held at Edenton Octo the 29th 1722 The following Lawe was made and Ratified

An Act for Naturalizing Abraham Blewlet Native of Switzerland having for many years past been Resident in this Government and behaving himself upon all occasions with Great Loyalty and readiness to leave the Government and humbly prays to be naturalized and having taken the Oaths as by Law appointed

Be it Enacted by his Excell^y etc and by the authority of the same

It is hereby Enacted that the s^d Abraham Blewlet be reputed Deemed and taken as one of her Majestys natural born subjects in this Government with full power to have take and purchase and enjoy any goods and

Chattles Land Tenements and Hereditaments and the same as well what he is now possessed off as what he shall hereafter purchase or Lawfully possess to give Grant Bargian sell and dispose of in as full and ample a manner to all intent and purposes as any his Majesty Natural born subjects can or may

	WILLIAM REED	J LOVICK
	C GALE	
	R SANDESON	T POLLOCK
E MOSELY Speak ^r		

[FROM GENERAL COURT RECORDS.]

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer and Terminer and Gaol Delivery held at the Court House in Edenton on Tuesday the 27th day of March and continued by severall adjournments till Saturday the 7th day of April 1722

Present

Christopher Gale Esq^r Cheif Justice

John Blount	} Esq ^{rs}	Adam Cockburn	} Esq ^{rs}
John Palin		Henry Clayton	
John Worley		John Solly	
Edm ^d Gale		John Cotton	

Assistants.

The following persons were Impannell^d and sworne upon the Grand Jury Viz^l

Cap^t Nicholas Crispe fforeman

Cap ^t John Alston	} Mr W ^m Willson	
Mr Thos Blitchenden		Mr Paul Phillips
Mr John Crispe		Mr Joseph Spruill
Mr W ^m Charleton Sen ^r		Mr John Pettiver
Mr Sam ^l Bernard		Mr W ^m Howett
Mr James Williamson		Cap ^t Sam ^l Patchett
Mr Thomas Luton Jun ^r		Mr Joshua Turner
Mr Macororo Scarborough	Mr Joseph Jessop.	

Who being charged by the Cheif Justice with things proper for their Inquiry withdrew and considered y^o severall matters given them in charge and on their Returne made presentment of the following Bills Viz.

A bill of Indictment agst Patrick Callihan for the murder of Henry Davis.

A Bill of Indictment agst Cha^s Williamson and Will^m Maccoy for the Murder of Salmon Burges

A Bill of Indictment agst W^m Maccoy for y^e murder of John Palmer
 A Bill of Indictment agst Patrick Callihan for an Escape
 and then the Grand Jury was discharged from further service att this Court.

Dan^l Richardson Esq^r his Maj^{ties} Attorney Gen^l came to prosecute the Bill of Indictment agst Patrick Callihan for the Murder of Henry Davis (in hac verba) Viz^l

The Jurors for our Sovereign Lord the King Presents that Patrick Callihan late of Curratuck Precinct in y^e County of Albemarle Planter not having the fear of God before his Eyes but being moved and Seduced by the Instigation of the Devill on the one and twentieth day of August in the year of our Lord one thousand seven hundred and twenty one at Curratuck afores^d in & upon one Henry Davis in the Peace of God and our Lord the King then and there being by force & Armes an assault did make and the s^d Henry Davis did beat cutt & bruise by giving and striking him two Mortall blows and cutts on the head with a certain weapon called a Cymeter or Cuttlash of the value of one shilling and so voluntarily feloniously & of malice forethought the s^d Henry Davis at Curratuck aforesaid beat cutt and wounded particularly on or about his head in such violent that of the said Mortall blows Cutts & wounds he pined & languished untill the five and Twentieth day of the same Month and on the five and twentieth day of the same Month of August at Curratuck of the aforesaid beating cutting and wounding did die and so the said Jurors on their Oaths do say that the aforesaid Patrick Callihan on the afores^d five & twentieth day of August at Curratuck afores^d in manner & form as afores^d & of malice forethought did feloniously & willfully kill & murder contrary to the Peace of our Sovereign Lord the King that now is his Royall Crown & dignity &c.

DAN^l RICHARDSON pro Duo Rge.

Upon which Indictment the said Patrick Callihan was arraigned and upon his arraignment pleaded Not Guilty and for tryall thereof putt himself putt himself upon God and the Country.

Whereupon the Marshall was comanded to cause to come twelve &c by whom &c who neither &c and there came, viz

Henry Bonner	}	and	}	Edward Wingate
William Bonner				Constance Luton
francis Branch				Edward Patchett
Jacob Blount				William Yates
W ^m Houghton.				Richard Willson
Tho ^s Yates				Will ^m Alden.

Who being Impannelled and sworn say

Wee of the Jury find Patrick Callihan is guilty of Manslaughter.

then the s^d Callihan being asked if he had any thing to say why sentence should not pass agst him as the Law in that case had provided and he offering nothing in avoydance thereof

Whereupon it is consider^d and adjudg^d that the s^d Callihan be burnt in the hand with the letter (M) that he forfeit all his goods & Chattells for ever and the profits of his Lands for a year and a day also that he become bound by Recognizance in the sum of two hundred pounds wth two sureties in an hundred pounds each for his good behaviour for a year and a day and that he remain in the Marshalls custody till he has given such security and paid the accruing Costs. Memorand^m y^t that part of the Sentence of burning in the hand was Executed upon y^e s^d Callihan in open Court, And then it was further Orderd That the Provost Marshall doe seize and take into his Custody all the personall estate of the said Callihan wherever to be found in this Governm^t and that he out of the said estate doe pay all the accruing costs occasion^d by his prosecution and apprehension as farr as his goods will amount. And that he pay the remainder (if any) to the Receiver Gen^l to the use of the Lords Proprieto^{rs} as Grantees from the Crowne.

Dan^l Richardson Esq^r his Maj^{ties} Attorney Gen^l came to prosecute the Bill of Indictment found by the Grand Jury agst W^m Maccoy for the Murder of John Palmer (in hac verba) viz^l

N^o CAROLINA—SS.

To the Hon^{ble} Christoph^r Gale Esq^r Cheif Justice of this Province & to y^e rest of the Justices for y^e holding Gen^l Court thereof

The Jurors for our Sovereign Lord the King upon their Oaths present that William Maccoy late of Curratuck Precinet in the County of Albemarle & Province afores^d not having y^e fear of God before his eyes but stired up and seduced by y^e Instigation of y^e Devil on the eighth day of December Anno Dom one thous^d seven hundred twenty one at Curratuck afores^d by force & Armes in and upon one John Palmer in y^e Peace of God & our Lord the King then & there being an assault did make and the said John Palmer did violently beat, bruise and wound with Clubbs sticks Staves & other weapons & so Voluntarily feloniously & of Malice forthought y^e s^d John Palmer at Couratuck aforesaid did beat bruise & wound in such violent manner that of the aforesaid Mortall blows bruises & wounds he pined & languished untill y^e eighteenth day of y^e same Month of December and on y^e eighteenth of December afore-

said at Curratuck aforesaid of the afores^d Mortall beating, bruising and wounding did die & soe the afores^d Jurors on their Oathes do say y^t y^e aforesaid W^m Maccoy on y^e aforesaid Eighteenth day of December at Curratuck aforesaid y^e said John Palmer in manner & form & form as aforesaid and of malice forethought feloniously & willfully did kill & murder contrary to the Peace of our s^d Sovereign Lord the King that now is his Crown & Dignity &°

DANⁿ RICHARDSON P Duo Rege.

Upon which Indictment the said William Maccoy was Arraigned and upon his Arraignment pleaded not Guilty and for tryall thereof putt himself upon God and the Country

Whereupon the Marshall was comanded to cause to come twelve &c by whom &c who neither &c and there came viz.

Henry Bonner	}	&	{	Thos Yates	}	&	{	William Alden
William Bonner				Constance Luton				Samuel Warner
Jacob Blount				Edward Patchett				Edward Standen
W ^m Houghton				Edward Wingate				William Charleton Jun ^r

Who being Impannell^d and sworn say

That the said William Maccoy is not Guilty of the felony & murder whereof he stood Indicted. Dan^l Richardson Esq^r his Maj^{ties} Attorney Gen^l came to prosecute the Bill of Indictment found by y^e Grand Jury agst Charles Williamson & William Maccoy for the murder of Salmon Burges (in hac verba) Viz.

N^o CAROLINA—SS.

To the Hon^{ble} Christopher Gale Esq^r Cheif Justice for this Province & to the rest of y^e Justices for holding the Gen^l Court thereof

The Jurors of our Sovereign Lord the King upon their Oaths p^{sent} That Charles Williamson late of Princess Anne County in y^e province of Virginia and William Maccoy late of Curratuck p^{er}inct in y^e County of Albemarle in this Province of North Carolina not having the fear of God before their Eyes but stirred up & seduced by y^e Instigation of the Devil on the eight day of December Anno Dom one Thousand seven hundred twenty & one at Curratuck aforesaid by force & Armes in & upon one Salmon Burges late of Curratuck aforesaid in the peace of God & our Lord the King then & there being an Assault did make & y^e s^d Salmon Burges did beat bruise & wound with Clubbs sticks staves & other weapons and so voluntarily feloniously, & of malice forethought the said Salmon Burges at Curratuck aforesaid did beat bruise & wound in such violent manner that of the aforesaid blows bruises and wounds he pined

& languished untill y^e three & twentieth day of the same month of December. And on the said three & twentieth day of December at Curratuck aforesaid of the aforesaid mortall beating bruising & wounding did die and so the afores^d Jurors on their Oaths do say that y^e afores^d Charles Williamson & W^m Maccoy on y^e afores^d three & twentieth day of December at Curratuck aforesaid y^e s^d Salmon Burges in manner & form as aforesaid & of Malice forethought feloniously & willfully did kill & murder Contrary to the Peace of our said Sovereign Lord the King that now is his Royall Crown Dignity &c.

DANⁱ RICHARDSON P Du^o Rege

Upon which Indictment they were Arraigned & upon their Arraignment severally pleaded Not Guilty & for Tryall thereof putt themselves upon God and the Country.

Whereupon the Marshall was comāded to cause to come twelve &c by whom &c who neither &c. and there came, Viz^t

Henry Bonner	}	Edward Wingate
Will ^m Bonner		Edward Patchett
Jacob Blount		William Alden
Will ^m Haughton		Sam ⁱ Warner
Tho ^s Yates		Edward Standen
Constance Luton		William Charleton.

Who being Impanell^d & Sworne say

That the said Charles Williamson & William Maccoy are not Guilty of the ffelony whereof they stood Indicted.

It is therefore considered by the Court that the said Charles Williamson do give security for his good behaviour for a year and a day himself in the sum of one hundred pounds with two sureties in the sum of fifty Pounds each & that he continue in the Marshall's custody till he has given such security and paid all the costs accruing by this prosecution

Likewise that William Maccoy do give security for his good behaviour for a year and a day himself in the sum of two hundred Pounds with two sureties in the sum of one hundred pounds each and that he continue in the Marshalls Custody till he have given such Security & paid all the Costs accruing by this Prosecution

And then the said William Maccoy acknowledged himself to be indebted to our Sovereign Lord the King his heirs & successors in the sum of two hundred Pounds & Dennis Ryorden & Danⁱ Guthrie both of the Precinct of Curratuck plant^{rs} in the sum of one hundred Pounds each to be levyed on their severall Goods & Chattells, Lands & Tene-ment &c

With condition that if the said William Maccoy shall doe well and truly behave himselfe towards his Maj^{ties} and all his leige people for a year and day then the above Recognizance to be voyd otherwise to be and remain in full force & Vertue

Dan^l Richardson Esq^r his Maj^{ties} Attorney Gen^l came to prosecute the Bill of Indictment found by the Grand Jury agst Patrick Callihan for an Escape (in hac verba) Viz^t

NORTH CAROLINA—ss.

To the Hon^{ble} Christopher Gale Esq^r Cheif Justice of this Province & to y^e rest of the Justices for holdⁿ y^e Gen^l Court there

The jurors for our Sovereign Lord the King upon their oaths present that Patrick Callihan late of Curratuck p^{re}inct in the County of Albemarle Planter was arrested for the murder of Henry Davis late of the same p^{re}inct and afterwards viz^t the sixth day of August Anno Dom. one thousand seven hundred & twenty one at pasquotank p^{re}inct in the same County by John ffurrry Esq^r Justice of our said Lord the King for keeping the Peace in the p^{re}inct of Pasquotank & County aforesaid was comitted into the Custody of Maj^r Tho^s Harvey then Provost Marsh^l for the said County of Albemarle & having in his Custody the aforesaid Patrick Callihan for the Murder afores^d within a very short time after his said Comittment by force & Armes out of the Custody of the said Maj^r Thomas Harvey & agst the will & knowledge of the s^d Thomas Harvey feloniously did gett & goe & from him did escape and fly out of the view & sight of the said Thomas Harvey agst the Peace of our Sovereign Lord the King that now is his Royall Crown & Dignity &c.

DAN^l RICHARDSON P Duo Rege.

Upon which Indictment the said Patrick Callihan was Arraigned & upon his Arraignment pleaded not Guilty but being a second time called to the Barr in order to his Tryall he prayed leave to withdraw his plea which being Granted him he then Pleaded Guilty as to the escape & humbly moved the Court that he might be heard by his Councill as to the felony And the same being argued by his Councill & likewise by the Attorney Gen^l on behalf of the King. The Court here is of Opinion that he is Guilty of Misdemeanour only.

Whereupon it was Considerd, and Sentence was Pronounced that he should be publickly whip't and receive nineteen lashes on his bare back well laid on

Mathew Bryant being brought into Court for stealing a Lamb belonging to Thomas Mathews confessed the same And he appearing to have

been so very drunk at the time of the ffact comitted as to be scarce capable of knowing what he did (and being very aged) It is consider^d by the Court that he be carryed hence to y^e publick whipping Post & have his hands putt in the Billows and that afterwards he be sett in the stocks for being drunk

John Hairbottle being bound by recognizance in the sum of one hundred pound sterling to appear & give Evidence in behalfe of our Sovereign Lord the King agst W^m Maccoy for the murder of John Palmer being solemnly call^d came not. It is therefore Order^d that a Scire facias do issue out commanding him to appear at our next Court to show cause (if any he has) why the said Recognizance should not be declared fforfeited

William ffryley being brought before this Court for feloniously stealing from one Edward Murray one pair of Mittens to the value of tenpence came and acknowledged himself to be indebted to our Sovereign Lord the King his heirs & successo^{rs} in the sum of twenty pounds & Edw^d Wingate and Cornelius Harnett in the sum of Ten pounds each to be levyed on their severall Goods & Chattells Lands & Tenements &c With Condition that if the said William ffryley shall make his personall appearance at the next Gen^l Court to be held for this Province to answer to the Complaint of Edward Murray for the said ffelony and do not depart y^e Court till he is lawfully discharged then this Recogniz^a to be voyd or else to remain in full force &c.

George Caverly an Evidence for our Sovereign Lord the King against William ffryley bound by Recognizance in the sum of Twenty Pounds to appear at this Court & being solemnly called came not. It is therefore Order^d that a Scire facias do issue out comāding him to appear att the next Court & shew cause if any he has why the said Recognizance should not be declared fforfeited

Christopher Butler being bound by Recognizance to appear at this Court for Breach of the Peace & Scandalous Speeches utter^d agst the late Govern^r & other Publick Officers of this Government made his appearance & presented to y^e Court an humble Petition wherein he submitted himself to the mercy of the Court which being Consider^d and the Court having given him a very severe Reprimand he is dismist without day paying costs

John Man being bound by Bond to appear at this Court on Suspition of having harbour^d & Concealed one Patrick Callihan who had made his Escape from the Provost Marshall to whose Custody he was Comitted for y^e Murder of one Henry Davis made his appearance but noe person

appearing to prosecute or give Evidence to make good the Charge against him he is dismiss without day paying Costs.

On the motion of Joseph Spruill Overseer of y^e Roads on the South Shore touching the Roads on that shore it is Order^d that all persons work in their Separate Districts as was formerly Order^d by this Court in October in the year of our Lord one thous^d seven hundred & sixteen.

Thomas Spivey, Abraham Spivey, Benj^a Spivey & Jacob Spivey being bound by Recognizance to appear at this Court to answer to severall p^rsentments made agst them by the Grand Jury at October Court one thousand seven hundred & nineteen for Hogstealing and Breach of the Sabbath which s^d Presentments were put into form at October Court one thos^d seven hundred & twenty one being severally call^d to answer the same made their appearance but noe person appearing to prosecute or give Evidence to make good the charge against them they are dismiss without day paying Costs

John Hassell bound by Recognizance to appear at this Court upon his Conviction for Scandalous words &c and having these following reasons in arrest of Judgement Viz^t

That the words laid in the Indictment & supposed to be spoken by the said John were not prosecuted within six months after the speaking the same words According to the Act of Limitation nor was it prosecuted within the space of ten dayes according to the form & effect of an Act for observing the Lords day And for the suppressing of Immorality & the prophanation of Gods name & Word &c. for w^{ch} Manifest Error the said John prays that y^e aforesaid Indictment & verdict may be Quashed & sett aside &c.

JOHN HASSELL

Which reasons being overul^d the Court pas^d the following Sentence viz^t that he should receive thirty nine lashes on his bare back & that he should give Security in the sum of ffifty Pounds for his good behaviour a year & a day & remaine in the Marshall^s Custody till he doe give such Security

And the said John Hassell acknowledged himself indebted to our Sovereign Lord the King his heirs & successo^{rs} in the sum of Twenty Pounds & Thomas Yates Thomas Mathews & William Yates in the sum of ten pounds each to be levyed on their severall Goods & Chattells Lands & Tenements &c

With Condition that if the said John Hassell shall & doe well & truly behave himself towards his Maj^{tie} and all his leige People for a year & a day then the above Recognizance to be voyed otherwise to stand & remaine in full force & Virtue.

William Alexander being bound by Recognizance to appear at this Court to answer an Indictment found against him by the Grand Jury for fforgerie made his appearance & noe person appearing to prosecute or give evidence to make good the charge against him he was discharg^d by Proclamation & dismist without day paying Costs

Paul Palmer & Joanna his wife being bound by Recognizance to appear at this Court to answer an Indictment of the Grand Jury for being Accessories to a ffelony comitted by one Sambo a negro man slave belonging to one Cap^t Nich^o Crispe made their appearance and noe person appearing to prosecute or give Evidence to make good the charge against them they were dismist without day paying costs.

Paul Palmer bound by Recognizance to appear at this Court to make good his reasons offer^d in arrest of Judgem^t upon his conviction for misdemeanour at July Court one thous^d seven hundred & twenty-one made his appearance upon which Daniel Richardson Esq^r Attorney Gen^l in behalf of the King came & confesst that y^e Misdemeanour afores^d against the afores^d Palmer he would not Prosecute any further. Wherefore the said Palmer is Dismist without day paying costs

Joanna Palmer bound by Recognizance to appear at this Court & answer an Indictment found against her by the Grand Jury at October Court one thousand seven hundred & twenty for a Rescue of a negro man out the hands of the Constable made her appearance and no person appering to prosecute or give Evidence to make good the charge against her she was dismist without day paying costs

Edward Howcott bound by Recognizance to appear at this Court & an Indictm^t found agst him by the Grand Jury at March Court one thousand seven hundred & twenty one for the Assaulting beating & Bruising one Aaron Oliver made his appearance but y^s said Oliver not appearing to prosecute nor any other persons to give Evidences on behalf of our Sovereign Lord the King he was dismist without day paying costs

William Norris bound by Recognizance to appear at this Court to answer an Indictm^t found agst him by the Grand Jury for fforging a Deed from Alice and John Billet to Sam^l Wilson made his appearance and no person appearing to prosecute or give Evidence to make Good the charge against him he was discharg^d by Proclamation & dismist without day paying Costs

George Griffin bound by Bond to appear at this Court to answer to severall matters of Misdemeanour alleged to be comitted by him agst the Peace &c made his appearance and submitted himself to the Court & severall persons appearing & speaking in his favour. It is Consider^d by the Court & Order^d to be dismist without day paying Costs.

Mary Haughton summoned to appear at this Court to answer a presentm^t of the Grand Jury for Adultery: who appeared by William Haughton her husband & upon Petition of the said William the payment of the fine of five Pounds due from her for the said offence is suspended during the lifetime of the said William.

NORTH CAROLINA—SS.

At a Councill held at Edenton April the fifth 1722

Present the Hon^{ble} Thomas Pollock Esq^r President &c

William Reed	} Esq ^{rs} Lords Deputys
Rich ^d Sanderson	
Christoph ^r Gale	
John Lovick	
Tho ^s Pollock Jun ^r	

Coll^o Fredrick Jones having been Order^d to appear before this Board this day by Ten a clock upon the Petition of John Walker &c which he not complying with, nor sending any satisfactory message:

It's the Opinion of this Board that the money lodged in the said Coll^o fred^k Jones hands late Cheif Justice for the appearance of Robert Atkins and Daniel Mackdaniel at the Gen^l Court ought to have been deliver^d to the present Cheif Justice with the Gen^l Court Papers & Records

Order^d that the said Coll^o fredrick Jones late Cheif Justice doe immediately pay to Christopher Gale Cheif Justice or his Order whatever moneys he has in his hands lodged as aforesaid for the security of the appearance of the said Robert Atkins and Daniel Mackdaniel at the gen^l Court and for so doing this shall be his Warrant and in case of failure hereof the Attorney Gen^l is hereby Order^d to take proper measures for the recovery thereof

A Copy

J. LOVICK Secry

To which Order Coll^o fred Jones Answer^d that he would not deliver the money therein mention^d but to whom he should think fitt and as for the Kings Attorney he might take what measures he pleases for he shall take noe Notice thereof

Test THOMAS HARVEY Provost Marsh^{ll} &c.

Upon motion of Daniel Richardson Esq^r Attorney Gen^l made in obedience to the foregoing Order of Councill

Order^d that a Scire facias do issue out thereby requiring the aforementioned fredrick Jones Esq^r to be and appear att the next Gen^{ll} Court to

be held for this Governm^t at the Court House in Edenton on Queen Annes Creek the last Tuesday in July next then & there to render an Acco^t upon Oath what money he rec^d from Robert Atkins and Daniel Mackdaniel aforesaid as security for their appearance &c to answer &c as by Recognizance Dated the sixteenth day of June 1720 doth appear and likewise to shew cause (if any he has) why the money so rec^d by him as Cheif Justice is by him detain^d and refused to be deliver^d in disobedience to the aforementioned Order of Councill &c.

and then

Adjourned to the next Court in Course

Test

W. BADHAM Clk.

C. GALE Ch. Just.

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

Att a Generall Court of Oyer and Terminer and Gaol Delivery held at the Court house in Edenton on Queen Annes Creek on Tuesday the 31st day of July and continued by several adjournments till Saturday the 4th day of August one thousand seven hundred & twenty two.

Present

Christopher Gale Esq^r Cheif Justice

{ John Worley Edm ^d Gale Adam Cockburne Henry Clayton }	Esq ^{rs}	{ John Solly John Cotton Cullen Pollock Barnaby Mackenny }	Esq ^{rs}
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Assistants

The following persons were Impannell^d and sworn upon the Grand Jury Viz^t

William Carlton Esq ^r John Nairne William Howett Thomas Yates Henry Bradley Joseph Spruell Aaron Oliver John Ward	{ { { { { { { {	Edward Outlaw William Coward Robert Lanier James Peake Edward Wingate John Pettiver Francis Branch William Yates Lewis Bryant
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Who being charg^d with things prop^r for their Inquiry by the Cheif Justice withdrew and consider^d the severall matters given them in Charge & on their Returne made Presentment of the following Bill Viz^t

A Bill of Indictment against William Doyle for Felony in haec verba viz^t To y^e Hon^{ble} Ch: Gale Esq^r Cheif Justice & to y^e rest of y^e Justices for holdⁿ y^e Gen^l Court of this Province: The Jurors for our Sovereign Lord the King upon their Oaths present that on the fourteen day of July in the year of our Lord one thousand seven hundred and twenty two about six of the clock in the afternoon William Doyle servant to William Barrow of Hyde p^{re}cinct in the County of Bath Planter did with a felonious Intent enter through a window into the dwelling house of the said William Barrow in Hyde Precinct aforesaid & thereout & therefrom by force & Armes did feloniously take and bear away one pair of men's silver Buckles of the value of twenty shillings one pair of Womens Silver Buckles of the value of ten shillings one payr of Stone Shirt Buttons of the value of two shillings one payr of Leather Breeches of the value of five shillings, four yards & one quarter of Garlick Linen of the value of ten shillings one well fixt Gun of the value of thirty shillings a quantity of Gunpowder & Shott of the value of ten shillings the proper Goods & Chattells of the said William Barrow agst the Peace of our Lord the King that now is his Royall Crown & dignity & against a Statute in that behalf made and provided

DANⁿ RICHARDSON P Duo Rege.

Upon which Indictment the said William Doyle was arraigned and upon his arraignment pleaded not Guilty and for tryall thereof putt himself upon God and Country

Whereupon the Marshall was comanded to cause to come twelve &c by whom &c who neither &c and there came Viz^t

Coll ^o William Maule	}	and	{	Henderson Luton
Thomas Harding				Richard Minsey
Paul Phillips				William Weston
John Jordan				Aaron Blanchard
Joshua Turner				Thomas Luton
John Johnston				Edward Standen

Who being Impaunell^d and sworn say Wee of the Jury find William Doyle is guilty of Petit Larceny to the value of four shillings and six pence.

Then the said Doyle being asked if he had anything to say why Sentence should not pass against him as the Law in that case hath provided and he offering nothing in avoydance thereof

Whereupon it is consider^d and adjudged that the said William Doyle be tyed to the tayle of a Cart & be whip^t on the bare back with thirty nine stripes through Edenton this day of which the Provost Marshall of

Albemarle is hereby required to see Execution done and that next ffry-day he be whip^t in like manner through Bath towne of which y^e Provost Marshall of the County of Bath is hereby required to See Execution done and then to deliver him to his Master William Barrow.

And then the Grand Jury was discharg^d from further service at this Court.

William Fryley being bound by Recognizance to appear at this Court &c made his appearance but noe person appearing to prosecute or give Evidence to make good the charge against him It is therefore Considerd that the said William ffryley do give further security for his appearance at the next Court and that in the mean time he be of his good behaviour

And then the said William Fryley acknowledged himself to be indebted to our Sovereign Lord the King his heirs & successo^{rs} in the sum of twenty pounds & John Nairne & Philip Wallston in the sum of ten pounds each to be levyed on their severall Goods & Chattells Lands & Tenements &c.

With Condition that if the said William ffryley do make his peronall appearance at the next Gen^l Court on the third day of the said Court and in the mean time be of his Good Behaviour towards his Majestie and all his leige people then this Recognizance to be voyd or else to remaine in full force &c.

Solomon Sheppard being bound by Recognizance to appear at this Court &c made his appearance and is dismist without day

Thomas Stoneham being bound by Recognizance to appear at this Court on suspition of ffelony made his appearance but noe person being bound over to give Evidence or appearing to prosecute he is dismist without day paying Costs.

And the said Scire fac: being Inssued and returned [that ffrederick Jones Esq^r was dead] Upon motion of the Attorney Generall it is order^d that another Scire ffac: doe Issue in manner as before, against the Execu^{to}rs of the said ffredrick Jones Esq^r de^{cd}.

A Petition of John Beverly & others was read complaining against an Order of the Precinct Court of Chowan appoynting M^r Henry Baker to keep a ferry over Chowan River near Menherring as sett forth in the said Petition And the said M^r Henry Baker appear^d & upon hearing of the arguments on both sides and the Order of the Precinct Court being also read It is thereupon Order^d by this Court that the said Baker do continue to keep the ffery aforesaid and that he doe take no more than two shillings and six pence for a man and horse and ffifteen pence for a single person for passages over the said fferry.

Upon petition of William Barrow praying that he may have his Goods restor^d to him which were feloniously taken from him by William Doyle Order^d that a Writt de Bonis restituendis do issue out directed to y^e Provost Marsh^l of y^e County of Bath thereby comanding him to restore to y^e said Petition^r all such goods as are in his hands and are mentioned in the said Petition

And then the Court adjourn^d

By order of the Cheif Justice
& his assistants W. Badham } Clk

C. GALE C. J.

NORTH CAROLINA—SS. At a Special Court of Oyer & Terminer held at Edenton on Queen Annes Creek on Tuesday the 14th day of August Anno Dom. one thous^d seven hundred and twenty two.

Present

Christopher Gale Esq^r Cheif Justice

Adam Cockburne }
& } Esq^r Assistants.
Cullen Pollock }

The Order of Councill requiring the Cheif Justice to call the Court for the Tryall of one John Cope a Christian Indian Man for feloniously breaking into the Lodging room of the Hon^{ble} Tho^s Pollock Esq^r President being read in these words viz^l

NORTH CAROLINA—SS.

At a councill held at y^e Hono^{ble} the Presidents house August the 8th 1722

Present—The Hon^{ble} Thomas Pollock Esq^r President

Christopher Gale }
John Lovick } Esq^{rs} Ld^s p^rprieto^{rs} Deptys
Tho^s Pollock Jun^r }

The Hono^{ble} President having Informed this Board that an Indian named John Cope belonging to King Blounts Towne did on Saterday the fourth past in the night feloniously break into his Lodging Room which this Board having Consider^d of Do hereby order that the Cheif Justice do on Tuesday the fourteenth Instant call a Speciall Court of Oyer & Terminer for the Tryall of the said Indian and that a copy of this Order signed by the President under the Colonys Seale and Counter Signed by the Secretary shall be a sufficient authority to the said Cheif Justice for his holding the said Court

THO. POLLOCK

By Order of the President and Councill.

J. LOVICK Secry.

Then the following persons were Impannelled and Sworne upon the Grand Jury Viz^l

Maj^r Thomas Luton fforeman

Coll ^o Robert West	}	Rob Hicks
M ^r David Henderson		Henry Bonner
David Hicks		ffrancis Branch
John Herring		Thomas Hopkins
John Williams		Jeremiah Vaile
James Castellaw		James ffarloe
John Holbrook		John Jorden
Martin ffred. Razor		Samuel Patchett
Isaac Hill	}	Thomas Yates
		& John Jones Sen ^r

Who being charg^d with the fact Comitted as in the Order aforesaid for their Inquiry withdrew and upon their Returne made presentment of the following Bill Viz^l

NORTH CAROLINA—ss.

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice & the rest of the Justices for holding a Speciall Court of Oyer & Terminer for this Province.

The Jurors for our Sovereign Lord the King that now is upon their Oathes present That John Cope a Christian Indian belonging to King Blounts Towne in this Province the fourth of this Instant August by force & Armes Burglary did comitt by feloniously & Burglariously breaking & entering into the Mansion house of the Hono^{ble} Collonell Thomas Pollock Esq^r President of this Province at Chowan in the County of Albemarle: in the night Viz^t before Sun rising of the same day the said Colonell Thomas Pollock in the same House in the Peace of God and our said Lord the King then being against the Peace of our said Lord the King his Crowne & Dignity

DANⁱ RICHARDSON P Duo Rege

Upon which Indictment the said John Cope was Arraigned and upon his Arraignment pleaded Not Guilty and for tryall thereof putt himself upon God and the Country

Whereupon the Marshall was Comanded to cause to come twelve &c by whom &c who neither &c and there came Viz^l

Edward Wingate	}	Thomas Jones	}
Richard Willson		Thomas Luton	
William Coward		Edward Cockrill	
Constant Luton		Edward Howcott	
William Egerton		Thomas Ashley	
John White Jun ^r		John Jones	

Who being Impannelled and Sworne &c say Wee of the Jury find the said John Cope Not Guilty

Whereupon he is Order^d to be discharged after paying the Costs accry-
ing by this Prosecution

And then the Court Adjourned

By Order of the Ch: Justice

C. GALE C. J.

and his assistants

W. BADHAM Clk

NORTH CAROLINA—SS.

At a Generall Court of Oyer & Terminer &c held at the Courthouse in Edenton on Tuesday the Thirtieth day of October one Thousand Seven Hundred & twenty two & Continued by severall adjournm^{ts} till Saturday the third day of November following

Present

Christopher Gale Esq^r Cheif Justice &

John Worley

Adam Cockburne

& Henry Clayton

} Esq^{rs} Assistants

Hannah Davis being bound by Recognizance to appear at this Court &c made her appearance & upon Examina^{ti}on confest the fact that she was charg^d with (To witt) the pilfering of Sundry Goods from one John Ballard to the value of ten pence

Whereupon It is Consider^d and adjudg^d that the said Hannah Davis receive on her bare back nine lashes at the publick Whipping Post and pay Costs.

William Fryley being bound by Recognizance to appear at this Court &c. accordingly made his appearance but noe person appearing to prosecute or give Evidence to make good the charge against him he was discharg^d paying Costs.

Joseph Oates being brought before this Court by a warrant from the Cheif Justice to answer the Complaint of Thomas Lovick for passing in payment a Counterfeit Bill of this Province but the matter not being prov^d against him so as to charge him therewith he was acquitted paying Costs.

Sarah Simpson being brought before the Court to pay her fine for fornication or receive punishment according to Law. She accordingly paid down twenty five shillings which was delivered to Henry Bonner Churchwarden. And John Sale being by her oath the reputed father of her children

Wherefore it is Ordered that he be taken into Custody (if to be found) and so secur^d that he may appear and pay his fine for Adultery (& if not to be found) then to attach his Estate to y^e value of his fine and also to defray the charges which the Church Wardens shall be at in taking care of the said Sarah & her children.

John Evans being bound by Recognizance to appear at this Court & accordingly made his appearance but no person appearing to prosecute he was discharg^d paying Costs.

Satisfac^{on} made Jan^y 24 1722

Complaint being made to this Court by Thomas Cooke agst Cullen Pollock Esq^r for beating & abusing him very notoriously which was proved by the Oath of Abel Barger. Wherefore it is Ordered that the said Cullen Pollock be and appear before this Court tomorrow morning and upon his neglect or refusal that a warrant of Contempt do issue thereby to compell him to appear and answer the said complaint

Cullen Pollock Esq^r by an Order of this Court appeared to answer the complaint of Thomas Cook and by the Evidence it appeared that the s^d Cullen is Guilty of a Breach of the Peace.

Whereupon he submitted himself to the Court and it is Considered and Adjudged that the said Cullen Pollock pay a fine of forty shillings, and that he give security for his good behaviour. Accordingly he paid down the fine in Court, and acknowledged himself indebted to our Sovereign the King his heirs & successors in the sum of Twenty Pounds to be levyed on his goods & Chattells Lands & Tenements &c.

With Condition that if the said Cullen Pollock shall & doe well & truly behave himself towards his said Maj^{ty} & all his Leige people untill the third day of the next Gen^l Court then the above Recognizance to be voyd Otherwise to stand be & remaine in full force virtue &c

Upon reading the Orders of the p^rinct Court about the Sound side Inhabitants below Docto^r Urmstons made at July Court last held for the said p^rinct and also the Errors filed by Edward Moseley the Attorney for the said Inhabitants and upon hearing the arguments on both sides

It is Consider^d & Order^d by this Court that the Inhabitants of the Sound side District from Docto^r Urmstons plantation downwards and the Inhabitants of the Lower part of y^e Poccoson District to Yaupin River Bridge be united into one District as they formerly were & that Joseph Minge be continued Overseer of the Same

And it is hereby further Order^d that all the said Inhabitants do first work on finish and compleat the percossin Road to Yaupin River Bridge according to the method already begun of laying out into Lotts and then

that they joyntly proceed to repair the Other Road and keep it passable: This Order to continue till the end of the next sessions of Assembly and so thence forward forever unless alter^d by the Gen^l Assembly.

The Order of the p^recinct Court concerning a Road order^d to be laid out near John Blounts Esq^r and so down to the Mill &c and the Complaint against the same and the Supersedeas thereon granted as also the errors filed by Edward Moseley the Complainants Attorney are refer^d for arguing till the next Court.

Thomas Story being bound by Recognizance to appear at this Court &c accordingly made his appearance but noe person coming to prosecute he is discharg^d paying Costs.

On motion of Dan^l Richardson Esq^r Attorney Gen^l Order^d that a Scire ffa^c: do issue against the Exors of the s^d ffredrick Jones Esq^r deced.

And then y^e Court adjourned

C GALE C J.

By order of the Chf Justice

& his assistants

W BADHAM Clk

1723.

[B. P. R. O. PROPRIETIES. B. T. VOL. 31. P. 276.]

ALURED POPPLE TO W^m LOWNDES ESQ^{re} SECRETARY
TO THE TREASURY. MARCH 21st 17²²/₂₃.

Sir,

His Majesty having been pleased by his Order in Council of the 26th of February last to declare his royal allowance and approbation of George Burrington Esq^{re} to be Deputy Governor of North Carolina in America provided that the usual security be first given and thereupon to direct my Lords Commissioners for Trade and Plantations to take care that such security be given accordingly. And the said George Burrington Esq^{re} having signified to their Lordships that Nicolas Vincent of Truro in the County of Cornwall and Dennis Bond of Grange in the County of Dorset Esquires are willing to be sureties as requir'd for the said George Burrington in the Penalty of one thousand pounds sterling as has been done in the like cases their Lordships approving of the Persons above

mentioned for sureties in this Case, do command me to send you the inclosed Draught of a Bond that the Right Hon^{ble} the Lords Commissioners of His Majesty's Treasury may please to give the necessary Directions that the said security be accordingly taken at the Exchequer or elsewhere as their Lordships shall think fit.

My Lords Commissioners for Trade and Plantations observing that the Deputy Governors have not regarded that Instruction which directs them to give Bond to His Majesty that they will not during their continuance in their Government trade as merchants for themselves or as Factor for others in any Goods &c have therefore thought fit to insert this Instruction in the Bond inclosed, and directed me to acquaint you therewith for the Information of the Lords of his Majesty's Treasury.

I am Sir

Your most humble Servant

ALURED POPPLE

Whitehall

March 21st 17²²/₂₃.

Noverint Universi per Præsentes Nos Nic. Vincent de Truro in Com: Cornwall et Dennis Bond de Grange in Com: Dorset Armig^r teneri & firmiter obligari serenissimo Principe et Du^o Pro Georgio Dei Gratia Magna Britan Fran & Hibern Regi Fidei Defensor in Mille Libris bonæ & legalis Monet Magnæ Britannia solvend eidem Du^o Regi Hæredibus vel Successoribus suis ad quam quidem Solutionem benè et fideliter faciend obligamus Nos Hæredes Executores & Administratores nostros firmiter per Præsentes, Sigillis nostris sigillat Dat Die

Anno Regni dicti

Domini nostris Georgii Regis Nono &c.

Annoz Domini 1723.

Whereas George Burrington of the County of Devon Esq^{re} has been duly nominated constituted and appointed Governor of his Maj^{ty}s Province of North Carolina in America, Now the condition of this obligation is such that if he the said George Burrington shall from time to time and at all time hereafter so long as he shall continue Governor of the said Province observe perform and obey all such directions and Instructions which he hath now given to him, or as shall at any time be sent to him from his Majesty his Heirs and Successors or from any Person or Persons now acting or that hereafter shall act by the authority of his Majesty his Heirs or Successors and pursuant to or for the due putting in execution the several Acts of Trade relateing to the Plantations viz:

N. B. Here were inserted all the Acts in M^r Uring's Bond *supra* fol^o 260. to which was added according to its proper Date the following Act viz^t

An Act for laying further duties upon sweets and for lessening the Duties as well upon vinegar as upon certain low wines and whale Tins and the duties upon Brandy imported &c

And all other Acts of Parliament now in force or that hereafter shall be made relating to the Plantation Trade and do not during his continuance in that Government trade as a Merchant for himself or as a factor or Agent for any other Person or Persons in any goods wares or Merchandizes nor be concerned as owner or part owner of any trading ship or vessel whatsoever, and shall do and performe all such matters and things as the Governors of His Majesty's Plantations by any Act of Parliament made or to be made shall be obliged or enjoined to do and performe and shall before his entring on his said Government take the Oaths enjoined to be taken by the Governors or Commanders in Chief of other His Majesty's Colonys and Plantations before their entring on their respective Governm^{ts} as directed by the Act of the seventh year of the late King William, That then this Obligation to be void or else to remain in full force and vertue.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at Edenton March the 28th Ann 1723

Present The Ho^{ble} William Reed Esq^r President et

Chr Gale	} Esqrs Lds Prop ^{rs} Dep ^{ty}
Fra Foster	
Rich ^d Sanderson	
J Lovick	
T Pollock	
M Moore	

Maurice Moore Esq^r presented to this Board a Deputation from Joseph Blacke one of the true and absolute Lords Proprietors of Carolina to represent him in the Council of this Governm^t w^{ch} being read and allowed of and the said Moore being duly qualified took his place at this Board accordingly

Read the Petition of Mary Drew setting forth that her husband David Drew has given her a great deal of causeless Ill usage & has turned her

out of Doors and Distroyed all her substance, and that she fears that he will quite ruine her unless assisted by this Board

Ordered that the Provost Marshall or his Deputy do summons the s^d David Drew to appear before Chris. Gale Esq^r Chief Justice on Thursday next being the forth day of April and that he examine the matter and pass such orders thereon as he shall find necessary and agreeable to Law and return an acc^t of his proceeding herein to the next Council

John Durant, King, John Barber John Hawkins Harry Gibbs George Durant great men of the Yawpims came before this Board an acknowledged a sale of Land for six hundred and forty Acres to the Honorable William Reed Esq^r part of a great Tract laid out to them by the Government and that they were Satisfyed for the same and this Board being asked wither they consented to the s^d sale gave their opinion in the affirmative

Read the Libell of Thomas Armour als Thomas Evans brought by Edmund Gale Esq^r Guardian against John Armour Ex^r of the last will and Testament of William Armour decd in these words (Viz^t) that the s^d William Armour late of Pasquotank decd did make a will appointing the s^d John Armour Executor thereof who accepting did cause the said will to be proved and obtained Letters Testamentary thereon and sayeth that in and by the said will the said William Armour did give and bequeath to your Complt by the name of Thomas Armour the son of Elizabeth Armour who was his wife the following Legacy Viz^t one Negroe man named Harry a bed Tick a Worsted sett rugg & a pair of Sheets as also four new pewter Basons four new Dishes and six plates and one Negroe boy called Sampson which had been heretofore bought of his said wife Eliza as he is ready to make appear yet nevertheless so it is that Legacy so given as afors^d to him the s^d John Armour the Exe^r refuses & denys to deliver altho often desired wherefore prays remedy therein and that the said Exe^r may be compelled to deliver him the said Negroes & Goods to them bequeathed as afors^d and also prays all such reasonable Costs and Damages as by him sustained & Expended by being forced to bring this suit and that he may be cited to appear next Council etc

And the s^d Armour having been solemnly called to answer the s^d Libel and not appearing

It is Ordered by this Board that the subject matter in the Libell be taken proconfessed according to former order of this Board and that the provost marshall or his Deputy for the County of Albemarle cause the things prayed for in the Libell to be delivered to the said Edmund Gale Esq^r Guardian as afors^d to the Minor and that the Deft pay cost

Read the Petition of Nathaniel Martin setting forth that Joseph Ming obtained a patent in the year 1701 for One hundred and fifty Acres of Land lying in Pasquotanke which is not seated and planted as the Law directs and prays a Lapse patent may be granted him for the same

And the President informing this Board that the Land mentioned in the petition has been seated to his knowledge near twenty years

Ordered that the Petition be rejected

Read the Petition of William Brothers setting forth That Thomas Mirrideth having preferred a petition to this Board for obtaining a Lapse patent for Six hundred and Twenty Acres of Land lying in Pasquotank belonging to him which was seated built upon and Tended before the s^d Mirridith's petitions was preferr'd praying that a survey may be ordered on the said Land

Ordered That Thomas Wordley and Edward Mays do sometime before the sitting of the next Council View the said Lands and return their opinions upon Oath to this Board wither the s^d Land be saved according to Law and whither the s^d Land was saved before the 19th day of Novem^r last

Upon a Caveatt entered ag^t the will of W^m Jones deced by Thomas Speirs in behalf of his wife Daughter to the said William Jones and the matter being fully heard & debated on both sides and this Board having duly weigh'd the same are of Opinion that the will of the said William Jones is Valid and was legally Executed

Ordered that the said will be proved and that Administration on the Goods and Chattles of the said William Jones deced with the will annexed be comitted to John Jones and Henry Jones two of the Eldest Sons to the deced.

Read the Petition of Thomas Luten shewing that Esther Pollock did make and put her last Will & Testament in writing bearing date the 20th day of May 1712 wherein the s^d Esther did make him and his son Thomas Executors &c which will being duly Exhibited & proved in the Generale C^t of this province held in Octo^r 1713 as by the records of the s^d Court may appear humbly praying that L^{res} Testamentary may be Granted him on the s^d Will et

And Thomas Pollock Esq^r appearing and Alleadging That he was surprised in the affair brought by the Pet^r and that he was wholly unprepared to answer the premisses

Ordered that the s^d Thomas Pollock have time given him to answer the s^d petition till the next sitting of this Board.

Read the Petition of William Downing Shewing that he having a Tract of Land of Six hundred and fforty Acres lying on Morattock river and now in possession of the Tuskaroro Indians praying that no Lapse patent may Issue for the same

Ordered that the prayer of the Petitioner be granted

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at Edenton the first day of April Anno Dom 1723

Present

The Honoble William Reed Esq^r President et

Chris Gale J Lovick } Esq^{rs} L^{ds} Prop^{trs} Dep^{ty}s
R Sanderson T Pollock }

Upon Petition of Co^{ll} William Maule Survey^r Gen^l setting forth That he had by order of this Board laid out for the Tuskarora Indians and Chowans ffifty Three thousand acres of Land in which service he was twenty one days from his home and had most of the time four persons to assist him at his owne Expense & Charges for w^{ch} the Pet^r put in his Claim to the last General Assembly who threw the same out without allowing him one penny for his Disbursements and Trouble the pet^r further shews That he had promise from this Board which was minuted in their Journal that in case the Assembly did not allow him his Claim for such services that he should have an ord^r the Receiver Gen^l for the same

Which this Board duly considering of and finding the peti^{tion} reasonable doe hereby order Dan^l Richardson Esq^r Receiver Gen^l to pay out of the L^{ds} Prop^{trs} revenues the sum of thirty pound curr^t money for his Expences & trouble in service afor^d And it is further ordered that the surveyor Gen^l return a platt of the Chowans and Tuskroroes Bounds into the Secretary office and that the Secretary make out a Draft for the Chowans with such Tenure as was formerly granted to the Yawpim Nation.

Read the petition of John Mackeel & Eliz^a his wife late Eliz^a Smith and Levy Markam Guardian or Curator to Bartholomy Evans a minor setting forth that being Grandchildren heirs and representatives of John Hunt late of little river de^{ced} who by his last will & Testam^t here ready

to be produced did give & bequeath to the said Eliz^a and Bartholomy (now surviving) the one half of his Estate that is to say of the Negroes Bedding and the rest of the moveables having before given one half thereof to his wife & further the Petⁿ say that at a prect Court 18th July 1721 at Pasquotank for the s^d precinct they obtained an order that the s^d Estate given to them should be Equally divided between them and taken out of Custody of Thomas Comander Ex^r of James Took Executor to the afs^d John Hunt and that the acc^t thereof be adjusted and audited by M^r Edward Gale M^r Richard Stamp and M^r Thomas Mackeel who was also to divide the same but the said Thomas Comander refused to comply therewith and no time appointed the s^d auditors near acted & thro' defects the s^d Order was rendered insufficient and near complied withall and the Cognizance thereof lying in Council for relief prays that the Estate pursuant to the said order given as afors^d may be deliv^d up by the said Ex^r to them and that the s^d Auditors may be appointed a Certain day where the persons Conserved may attend to adjust & settle the acco^{ts} of the s^d Estate and that on their report thereof delivered to the provost Marshall or his Deputy he do seize and deliver the same in kind or Vallue according to Law to them & according to the Divission thereof to be made by the s^d Auditors and that the said Commander pay cost etc

Ordered That Thomas Comander Executor within named do Exhibit and adjust the acco^t of the s^d Estate according to the prayer of this petition wth Edward Gale Esq^r Thomas Mackeel John fferry and Robert Lowrey or any three of them within one months time and that he deliver up the Petit^{ns} Legacys in maner as in the prayer is petitioned sometime betwixt the Tenth or Twentieth day of April inst or else the provost marshall is hereby ordered to take security of the said Thomas Comander in the sum of ffive hundred pounds for his appearance at the next Council to be held at Edenton there to stand and abide by such order as shall be made thereon

Read the petition of James Wood setting forth That some time agoe Samuel Sigemore obtained a patent for six hundred Acres of Land lying in Chowan which s^d Land is not seated and planted as the Law directs praying a patent may Issue in name for the s^d Land

Ordered that the s^d petition be granted as prayd for

Read the Petition of James Peck setting forth That Dan^l Willson sometime agoe obtained a patent for ffive hundred acres of Land lying in Chowan which is not seated and planted according to Law therefore prays he may have a lapse patent for the same

Ordered That a patent Issue for the Pet^r as prayed for

Read the petition of William pope Setting forth that one William Jones formerly obtained a patent for One hundred Acres of Land lying on the south side of Morratock and that one Daniel Hogans also obtained a patent for three hundred and fifty acres on the North side of Morratock and neither of the s^d W^m Jones or Daniel Hogans has seated and planted the said Land as the Law directs praying that lapse patents may be granted him for each of the s^d Tracts

Ordered that the Petition be granted as prayed for

Read the Petition of Arthur Whitehead setting forth that John Blackman in the 1719 obtained a patent for 160 Acres of Land lying on Morratock at a hotsky which is not seated and planted as the Law direct praying a Lapse pattent may be granted him for the same

Ordered That the same be granted as prayed for

Read the Petition of John Stone setting forth That Andrew Baron in April 1720 obtained a patent for 260 Acres of Land lying in Chowan which is not seated and planted thereon as the Law directs praying a Lapse patent may be granted him for the same

Ordered That the prayer of the s^d Petitioner be granted

Read the Petition of James Peake setting forth that some time agoe William Willson obtained a patent for ffour hundred and Twenty Acres of Land which the said Wilson has not seated and planted as the Law directs therefore praying that a Lapse patent may granted him for the same

Ordered that a Lapse Patent be granted the Pet^r as prayed for

Read the Petition of John Holbrook setting forth That Edward Taylor some time ago obtained a patent for six hundred and fforty acres of Land lying in Bertie precinct which not being cultivated as the Law direct prays a Lapse patent may be granted him for the same

Ordered That the prayer of the s^d petition be granted

Read the petition of Robert Tucker setting forth that in the year 1719 John Bell obtained a patent for Two hundred and thirty Acres of Land lying in Pasquotank is not Cultivated as the Law directs and prays that a Lapse patent may be granted him for the same

Ordered That a patent Issue as prayed for

Read the Petition of Elizabeth & Martha West shewing That their Father Thomas West deced in his life time obtained a patent for 320 Acres of Land lying in Bertie precinct which is not seated and planted thereon as the Law directs praying a Lapse patent may be granted to them for the s^d Land

Ordered that a pattent Issue in the Pet^{rs} name as prayed for

Read the Petition of Henry Baker shewing That Edward Howcock in the year 1720 obtained a patent for Eight hundred and ffifty acres of Land lying on Wickoeon which is not Cultivated as the Law direct therefore prays a Lapse Patent may granted him for the same

Ordered That the prayer of the s^d Petition be granted

Read the Petition of John Williams setting forth that his son Theophilus Williams in the year 1720 obtained a patent for Two hundred and Thirty five Acres lying in Bertie precinct which is not seated and planted thereon as the Law requires therefore prays a Lapse pattennt may be granted him for the same

Ordered that the said petition be granted as prayed for

Read the Petition of Robert Lanier Setting forth That Charles Jones in the year 1720 obtained a patent for Three hundred acres of Land lying in Bertie precinct which is not cultivated as the Law directs praying that a patent make granted him for the same

Ordered That the s^d petition be granted as prayed for

Read the Petition of Edward Moseley Esq^r setting forth that in the year 1713 Samuel Swann obtained a patent for six hundred and ffifty Acres of Land lying in Chowan and Nehemiah Yeals obtained a patent some time agoe for Six hundred and ffifty acres of Land lying at Hendricks Creek as also did John Harlow for six hundred Acres of Land lying on Morattoek and the said Tracts of Land not being seated and planted thereon as the Law directs therefore prays that Lapse patents may be granted him for each of the said Tracts of Land

Ordered that patents Issue according to the prayer of the s^d Petition

Read the Petition of James Boon setting forth That Treddall Keef some time agoe obtained a patent for a Tract of Land lying in Chowan and Joyning to the line of W^m Stephens George Smith Thomas Mans James Boons Charles Cullefor and William Hookers line which is not seated and planted as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered That the s^d petition be granted as pray^d for

Read the Petition of Anthony Herring setting forth That in the year 1720 his Father Samuel Herring obtained a patent for Two hundred and Seventy acres of Land lying at Cassia which is not cultivated as the Law directs praying that a Lapse patent may be granted him for the same

Ordered That the s^d petition be granted as prayd for

Read the petition of Thomas Rhodes setting forth That Theophilus Williams in the year 1720 obtained a patent for Two hundred and ffifty Acres of Land lying in Cassia which is not seated as the Law directs praying that a Lapse patent may be granted him as the Law directs

Ordered That the s^d petition be granted as prayed for

Read the petition of James Wood setting forth that Robert Hicks patented in the year 1719 Two several Tracts of Lands containing Eleven hundred acres of Land lying on Catawitsky which is not seated as the Law directs praying that a Lapse patent may granted and Issued out in his name for the same.

Ordered that pattents Issue according to the prayer of the s^d Petition

Read the Petition of Robert Cartwright setting forth that about Two years ago Benjamin West obtained a patent for 900 acres of Land Lapsed from the s^d Cartwright w^{ch} said Land the Pet^r Cleared built upon and Tended long before the said West obtained a patent for the same therefore prays that the Heirs and Trustees of the said Benj^r West may be sumoned to appear or such other persons as he shall require to prove the premises

Ordered That the s^d petition be granted as prayed for

By order

J LOVICK Secty

[B. P. R. O. B. T. No. CAROLINA. VOL. 6. P. 65.]

To the Council and Assembly of North Carolina.

Gentlemen

We have received the News of the Death of M^r Eden Our late Gov^r of North Carolina, whose Loss we heartily lament, But That no Care might be wanting on our part for promoting the Good and Welfare of Our Province We have as soon as we conveniently could sent over to you M^r George Burrington to be our Governor of Our said Province during Our Pleasure, He is a Gentleman, whose Inclinations to our Service and his hearty Desires for the Improvemt of the Province we are fully convinced of: We do therefore desire you to pay him all due Obedience as the Acts of your Assemblies and Our Charter under the Great Seal of England do require you.

We have also appointed some New Commissiond Officers (as you will see by their several and respective Commissions and Instructions) who we earnestly recommend to your Care and Friendship that by your mutual Assistance of each other, Justice may be more duly administer'd and the Trade of our Province may be augmented and increased.

We think it highly necessary for the good of the Province that you wou'd in your Assemblies consider of the best and most proper Method for improving the Manufactures and Trade of the Country and in Order

to that that you wou'd settle a Commerce with the Indians for their Deer Skins for we doubt not but by a fair and just dealing with them you may be assisted with such Quantity of their Skins that you may be able to supply such Vessels as shall arrive among you with their Loading, the Want of which and the tedious Delay the Merchants are put to, as we are informed upon that Account, is a great Hinderance and Obstruction to the Trade of the Province

We earnestly recommend to you the care of the Fishery, the carrying on of which must be not only a great Improvement of Trade but will also cause a great Number of Inhabitants to come into the Province and settle among you. We have upon this Account granted a Lease of the Whale Fishery to Our Gov^r and two others who have applyed to us for the same reserving only the tenths of the Products to Our Use. We hope therefore you will jointly with us give all due Encouragement to these two Branches of Trade and we doubt not but with your Assistance we shall in a little time be enabled to put North Carolina in as flourishing a Condition as any of his Majesty's Colonies in America.

Gentlemen

We received an address from you transmitted some time since to us by Our late Gov^r M^r Eden wherein you signify'd to Us your great Dislike to the Rebellious and Tumultuous Proceedings of several of the Inhabitants of South Carolina, and your constant and steady Adherence to Our Government and the present constitutions We take this Opportunity of returning you Our thanks for your Dutifull and Loyall Address We think it proper to inform you that we have taken into our Consideration several of the Laws sent over to Us by M^r Eden, and some others lately transmitted to us by M^r Lovick Our Secretary, We do assure you we will in a very short time send you Our Opinion in relation to those Laws, and we shall likewise consider your Request for the opening the Land Office, and shall send you Our Opinion thereupon by the first Opportunity

We shall be always ready to do you what Friendly Offices may be in Our Power, So we bid you heartily farewell, and are

Your very loving Friends

June the 3^d 1723.

M ASHLEY for LD CARTERET P
JA: BERTIE for D; of BEAUFORT
CRAVEN
M ASHLEY
JA: BERTIE
J COLLETON

[B. P. R. O. B. T. No. CAROLINA. VOL. 6. P. 64.]

His Excellency John Lord Carteret Palatin and the rest of the True and Absolute Lords Proprietors of the Province of Carolina in America To Edward Moseley Esq^r Survey^r Gen. of North Carolina

George Burrington Esq^r Our present Governor having given us many Proofs of His Inclinations to Our Service and his hearty Endeavours to promote the General Good of Our Province we are very willing to give him all due Encouragement and do hereby require and command you to cause to be admeasured and set out to the said George Burrington and his Heirs two thousand Acres of Land according to the Rules Customs and Usages of Our Province; And you are to give Directions that the usual Grants for the same may be made to him and his Heirs accordingly, reserving the Quit Rent of one penny $\frac{3}{4}$ acre Sterg: yearly to be paid to us Our Heires and Assigns for ever, and for so doing this shall be your Sufficient Warrant, Given at St James under Our Hands and Seals this third day of June Anno Dom: 1723

M ASHLEY for L^d CARTERET P
JA BERTIE for D: OF BEAUFORT
CRAVEN
M ASHLEY
JA: BERTIE
J: COLLETON

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at Edenton the 2^d day of August Anno Dom 1723
Present

The Honoble William Reed Esq ^r Presid ^t & ^c	
Chris Gale	} Esq ^{rs} L ^{ds} Prop ^{rs} Dep ^{ty} s
Richard Sanderson	
John Lovick	
Tho ^s Pollock	

Robert Cartwright appearing upon referance from last Board and produced William Norris and John Martin who being duly sworn say That the Land in dispute was seated by the said Cartwright many years before

the lapse patent was obtained by Cap^t Benjamin West de^ced and the s^d Cartwright dwelt thereon in a good Habitable House that there was near Twenty acres of the said Land Cleared and Tended

Whereupon this Board having considered the premises are of Opinion That the Lapse patent granted to the said Benjamin West was Surreptitiously obtained and Do order That the same be Null and Void to all Intent and purposes as if the same had not been granted

Read the Petition of Robert Lowrey which was referred till next Board

Read the Petition of Thomas Worsley shewing that about five year agoe Survey was made of a Certain Tract of Land lying in Beaufort precinct near Broad Creek joyning on the Deep run for and in the name of Thomas Harding of whom your Petitioner hath since procured an assignment of the same survey ready to be produced but by mistake the bounds of the adjourning Lands the same takes into it a great part of Land belonging to Thomas Boyd Who hath entered a Caveat in the Sect^{ys} Office ag^t a patent coming out on the s^d Survey praying a resurvey in the s^d Petit^{rs} name on the same Land Exclusive of the said Boyds Land. Whereupon this Board having Considered the premiss has Ordered That the Survey^r General or his Deputy do make a resurvey on the said Land Exclusive as aforesaid as soon as may be at the Cost and charge of the Petit^r and that he return the same into the Sect^s Office by the sitting of this Board in October next.

Read the Petition of John Moulton Jun^r Shewing That Stephen Howard in the year 1717 obtained a patent for six hundred acres of Land lying in precinct which not being Cultivated as y^e Law directs praying a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Adjourned till tomorrow morning ten of the Clock

August the 3^d this Board met according to adjournment
Present as before

Read the Petition of John Porter Gent Adm^r of the Estate of the Reverend Ebenezer Taylor Clerk de^ced with the Will annexed shewing that the said Ebenezer Taylor being possessed of a very valuable Estate consisting of Goods and money of this Government to the value of divers hundreds of pounds and in the course of his mission Travelling by water from Bath Towne to Core sound he fell sick and Dyed and not without some suspition of foule practices of Daniel Mack Daniel and others who Transported him Upon whose death the said Daniel Mack Daniel being in possession of the Goods and Money belonging to the said

Ebenezer Taylor confederating with one Robt Atkins (as is Supposed) embezzelled or Stole most of the Money at least Two hundred and Ninty pound Whereupon process being Issued against them the s^d Mack Daniel and Atkins and were Attached to answer the said felony and thereupon deposited in the hands of the late Chief Justice Jones the sum of Two Hundred and ninty pound for the securing the appearance of the s^d Atkins to answer the felony afors^d and the sum becoming forfeit for want of the said Atkins appearance the same was afterwards paid into the hands of the present Chief Justice Christopher Gale Esq^r by the Ex^{rs} of Frederick Jones Esq^r late Chief Justice pursuant to an order of Council bearing date the fourth day of April Anno Dom 1722 in whose hands that same sum of Two hundred and Ninety pounds still remains praying That the right which he hath (in his Capacity aforesaid) unto the said money may be considered of and that such an order may be granted thereon that the same moneys now remaining in the said Cheif Justices hands may be paid unto him that he may thereby be enabled to preform the will of the deēd or that such further orders may be taken concerning the same as shall be Agreeable to Justice

And this Board desiring the opinion of Daniel Richardson Esq^r Rec^r General whether in case of fines and forfeitures it was in the power of this Board to remit or appropriate the same he gave in Answer that According to an Article in his Instructions it was and It plainly appearing to this Board that the prosecution of the said Atkins was principally carried on to Induce the payment of the said money to be made to the Adm^{rs} of the said Taylor and M^r Chief Justice Gale informing the Board that he had acquainted the Lds proprietors that such a sum of money was lodged in his hands and that it was his opinion that the money of right belonged to the Petit^r and that he believed an Order of Council would pass from this Board for delivering the money to the said Taylors Adminst^r promising their Lordships that he would take security that in case their Ldps should within twelve months Signifye that they were against the money being so disposed that then the persons receiving the same should refund it according to their order.

Whereupon It is hereby Ordered That M^r Chief Justice Gale deliver the said Sum of Two hundred and Ninety pound lodged in his hands as mentioned in the Petition the Pet^r giving Bond with sufficient Security to him to refund the same agreeable to the assurances he has made to the Lds Prop^{rs}

Mary Browne Widow of James Browne having produced her acco^t to this Board sworn to amounting to seventy three pounds Eleven shillings

and Two pence which being more than the sum of the Inventory of the said Estate she prays that she may be discharged from any futher acco^{ts} on the said Estate

Ordered that a *Quietus Est* be granted as prayed for

Major Thomas Luten motioned That his petition preferred aga^t Thomas Pollock Esq^r last Board might be considered urging that the said petition did not lye b^efore this Board but was only directed to the President and Comander in Chief upon which the presid^t tooke time to Consider of the same till next Council

Read the Petition of James Wimble shewing That in the year 1719 Thomas Blichenden obtained a patent for six hundred and fforty Acres of Land lying at the head of Scuppernung river which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the said land

Ordered that the prayer of the Pet^r be granted

Read the Petition of Thomas Brett Shewing that Co^{ll} William Maule having obtained a a patent for six hundred and fforty Acres of Land in the year 1714 which not being Cultivated as the Law directs praying a Lapse patent may may Issue in his name for the said Land

Ordered That a Lapse patent Issue in the pet^r name as prayed for.

Read the petition of John Williams shewing that Martha Williams obtained a patent in y^e year 1717 for 560 Acres of Land which is not seated and planted as the Law directs praying to have a Lapse for the same

Ordered that a patent Issue according to the Pray^r of the Pet^r

Read the petition of John Williams shewing that in the year 1717 Stephen Howard obtained a pat. for 600 Acres of Land lying in Bertie precinct which not being Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue in the Pet^r name according to y^e pray^r of s^d Petⁿ

Read the petition of Simon Jeffries Shewing that William Jones in April 1720 obtained a pat for 212 Acres of Land which is not Cultivated as the Law directs therefore prays a Lapse may be granted him for the same

Ordered that the prayer of the Petitioner be Granted

Read the Petition of William Yates shewing That in the year 1719 a patent of 113 Acres of Land lying in Chowan precinct was granted to John Paget who Not having Cultivated the same as the Law direct therefore prays he may have a patent for the same

Ordered that the pray^r of the pet^r be granted

Read the petition of Thomas Betterly Shewing That George Bromly in the year 1719 obtained a patent for 190 Acres of Land in Chowan precinct which not being seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that y^e prayer of y^e said petition be granted as prayed for

Read the Petition of Thomas Davis Shewing that Edward Howcot in the year 1717 obtained a patent for 310 Acres of Land lying in Bertie precinct which not being seated as the Law directs therefore prays a Lapse patent may be granted him for the said Land &c

Ordered a patent Issue according to the pray^r of the said Petition

Read the Petition of James Boone Shewing that Treddell Keef some time agoe obtained a patent for 500 Acres of Land lying in Bertie precinct which is not seated as the Law directs praying a Lapse patent for the same may be granted him

Ordered that the prayer of the Pet^r be granted as prayed for

Read the Petition of Luke Hollowell Shewing that Joseph Jessop in the year 1720 obtained a patent for 400 Acres of Land lying in perquimons precinct which is not Cultivated as the Law direct therefore prays that a Lapse patent may Issue in his name for the same

Ordered That a patten Issue as prayed for

Read the Petition of John Williams Shewing that That John Cooke in the year 1720 obtained a Patent for a Tract of Land of 312 Acres known by the name of Gilly Cranky lying in Bertie precinct which not being Cultivated as the Law directs therefore prays a Lapse Patent may be granted him for the same

Ordered that the pray^r of the Petion^r be granted as prayed for

Read the Petition of John Williams Shewing that in the year 1719 Aaron Oliver obtained a patent for 640 Acres Land lying in Bertie precinct which not being cultivated as the Law directs prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the petition of Daniel Sheen Shewing that Aaron Oliver obtained a patent for 640 Acres of Land which not being cultivated as the Law directs prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the petition of William Ludford Shewing that William Howet in the year 1720 obtained a patent for 275 acres of Land lying on the head of Allegator river which is not seated as the Law directs therefore prays a Lapse patent for the same may be granted him

Ordered that a patent Issue as prayed for

Read the petition of John Peggs Shewing that his Father Joseph Peggs in his life time obtained a patent for 40 acres of Land lying in Pasquotank which is not seated as the Law directs therefore prays that a Lapse patent may be Issued in his name for the same

Ordered that a patent Issue as prayed for

Read the Petition of William Willson Shewing that Conelius Fitzpatrick in the year 1714 obtained a patent for Two hundred and Thirty three Acres lying on the Northeast side of Alligator Creek which not being Seated as the Law directs praying a Lapse patent may Issue in his name for y^e s^d Lands &c

Ordered That a patent Issue as prayed for

Tom Blount, Chief man of the Tuscarora Indians having represented to this Board that he has certain Intelligence of several of the Northern Indians that design to make him a Visit this fall with an Intent to seduce the young men of his nation from him in order to Comit mischief on him and on the white people begging the assistance of this Governmt That some Englishmen may be sent to his Town to lay them out a ffort to prevent the Dangers threatened from the s^d Northern Indians which this Board taking into their serious consideration and finding upon the like Complaint during the administration of the late Governor assistance was sent to him being agreeable to the treaty with him and his People Do therefore Order that M^r William Charlton have power to procure Six able body'd young men for the service aforesaid and that he forthwith see them at Rasewtokee there to assist the said Indians in laying out and making them a ffort and that the s^d William Charlton continue with them as Interpreter for which service the Honoble the Presi^t is desired to give each of the men so Employed a Certificate for the time they are upon the said service on the publick for their wages and to M^r Charleton as Interpreter the Secty indorsing upon the order the names of the persons so Employed

Read the Petition of Thomas Yates Ex^r of the will of Thomas Bell praying proper persons may be appointed to appraise and divide the Estate of the said Thomas Bell according to his will ordered that M^r John Hobbbrook, Mich^l King Joseph Hudson & Thomas Ashley or any three of them being first sworn do forthwith appraise the said Estate and make division thereof and deliver the same when so divided to the persons to whom it belongs as given by the s^d Bells will and return a Copy of the said appraisment to the Sectys Office as the Law requires

Read the petition of Tho^s Mathews

His Excellency John Lord Cartiret Palatin and the rest of the true and absolute Lords Proprietors of the Province of Carlina in America To John Dunston Esq^r Greeting.

We out of the trust and Confidence we have & repose in your care prudence and ability have made constituted and appointed and by these presents do make constitute and appoint you the said John Dunston to be naval officer of that part of our Province of Carolina that lyes North and East of Cape Fear hereby requiring and Impowering you to take Entrys of all ships and Vessell Inward bound to or outward bound from that part of our said province of Carolina and we do hereby give and grant to you the said John Dunston our full power and authority use and Exercise the said office of Naval officer and to receive take and enjoy all Benifitts advantages fees perquisites and profits belonging to the said office and which have been usually taken and received by other naval officers in any of his Majesties Colonies in America so as such perquisites or Proffits be not by us the said Lords Proprietors otherwise given or disposed of and we do further by these presents Constitute order and appoint you the said John Dunston to be reciever of the Tenth of our fishery and to give acquitances & other discharges in our names for such Tenths that you shall receive for us by Virtue of these presents To have and to hold the said several Offices of Naval Officer & receiver of the Tenths of our fishery during our pleasure together with all ffees perquisitts & Proffitts to the offices belonging or appertaining Given at St James's under our hands and the Great seal of our Province this third day of June Anno Dom 1723

M ASHLEY for LORD CARTERET P
JA BERTIE for DUKE OF BEAUFORT
CRAVEN
M ASHLEY
JA BERTIE
J COLLETON

Recorded Decem^r the 11 1723

By order

J LOVICK

His Excellency John Lord Carteret Palatin and the rest of the true and Absolute Lords Proprietors of our Province of Carolina in America

Instructions for John Dunston Esq^r

1st You are upon your arrival in our Province to take the Oath appointed by act of Parliament instead of those of Alligince & Suprem-

acy & the Test & the Oath of fidelity to the Lords Proprietors & an Oath for the due Execution of your office

2^d Our will is that you take Entries of all Ships or Vessells Inward bound or outward bound from our said Province of Carolina that you take an account of their Lading their Bottom (if Brittish or no) what men navigated withal and all other matters required to be done of Naval Officers by the several acts of Parliament relateing to trade & navigation

3^d You are to obey all such Instruction and directions as you Shall at any time receive Either from us or from the Commiss^{rs} of his Majestys Customs in London or from any other person or persons now acting or that shall hereafter act by his Majestys authority perrsuant to or for the better putting in Execution the Several acts relating to the Plantation

4th And as to such sums of money as you shall recieve for the Tenths at the Fishery it is our will and direction that after you have passed your accounts with the Govern^r & Council you transmit the same to us according to such directions and Orders as you shall from time to time recieve from us and we do hereby authorize you to deduct and default the sume of Ten pounds for every hundred pounds which shall be Collected and received by you

5th You are diligently to take care & observe that in all matters relating to your own Conduct in Execution of your said offices that you duly observe and govern your self by the Laws relating to trade and Navigation perticularly mentioned and referred to in our Govern^rs Instruction which will be recorded in our Secretary Office & to which you may at any time have access

6th You are to have your accounts stated and audited once every three months by the Governor and Council of our said province who are from time to time to transmitt the same to our Secretary in London with whome you are to correspond in respect to any matters you shall want our Instructions in the Execution of your s^d Office

7th You are Twice in every year to transmitt your Entries of Ships or Vessells to his Majestys Commission^r of the Customs in London the forme of which you may find in the Custom house or upon record in our said Province and you are at the same time to transmitt to our Secretary in London Copys of such Entries & accounts as you send to the Commission^{rs} of the Custom

Given at St James under our hands and seals this third day of June
Anno Dom 1723

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+ SEAL +
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M ASHLEY for L^d CARTERET

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+ SEAL +
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J^s BERTIE for DUKE OF BEAUFORT

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+ SEAL +
++++++

CRAVEN

++++++
+ SEAL +
++++++

M ASHLEY

++++++
+ SEAL +
++++++

JAMES BERTIE

++++++
+ SEAL +
++++++

J COLLETON

Recorded the 11th day of Decem^r 1723

By order

J LOVICK Secty.

[B. P. R. O. B. T. VIRGINIA. VOL. 62.]

VIRGINIA—JOURNAL OF THE COUNCIL.

24 October 1723.

Whereas the Maherine and Nansemond Indians have this day complained that notwithstanding the repeated orders of this Government for securing to them the possession of their Lands, whereon they have for many years past been seated, between Nottoway and Maherine Rivers, divers persons, under pretence of Grants from the Government of North Carolina surveyed the lands of the said Indians, and begun to make settlements within their cleared grounds. It is the opinion of the Council that the Governor be requested to repeat his instances to the Governor or President of North Carolina for the time being, to recall all such Grants as have been made by that Government within the Bounds in dispute, between the two Colonies, and more particularly that the Government of North Carolina, take care that no persons pretending an authority from thence to disturb the Indians in the possession of the Lands they enjoy by virtue of Treaties of the peace which have been approved and confirmed by the Crown; and because the President of N. Carolina has hitherto thought fitt to take no notice of a Letter sent him last April upon a former complaint of the Nansemond and Maherine Indians, It is ordered that a copy of the order of this Board dated the 30th of October 1721 be now sent to the Governor or President of Carolina for the time

being with Intimation that in case that Government do not immediately put a stop to the Ineroachments complained of by the said Indians, and also recall all Grants, and to annull all surveys made within the controverted Bounds since the mutual agreement entered into by both Governments in the year 1714 Orders will be forthwith given pursuant to the resolution of the Board the 30th October 1721 for removing by force all persons seated within the said controverted Bounds under pretence of any Grant or Authority from the said Government of North Carolina.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at Edenton the seventh day of November Anno Dom 1723

Present

The Honoble William Reed Esq ^r Presid ^t &c	
Chris Gale	
Rich ^d Sanderson	} Esq ^{rs} Lds Prop ^{rs} Deputys
John Lovick	
Maurice Moore	

Upon a Caveat Entered by George Cockburne against Edward Moore Ordered That M^r William Grey Deputy Surveyor attend this Board at their next sitting with the survey made for the s^d Edward Moore that such order may pass thereon as is agreeable to Justice

Read the Petition of Thomas Swann Shewing that William Swan Esq^r deeded sometime in August 1720 obtained a patent for fifty acres of Land lying in North River in Curetuck precinct which is not seated and planted on as the Law directs Therefore prays that he may have a Lapse patent for the same

Ordered that a patent Issue as prayed for

Ordered That the Lapse patent of Nath^l Martin do lye till next Board and that — Minge do then appear otherwise that the patent Issue of Course

Read the Petition of William Seaburn Shewing that Solomon Davis in the year 1714 obtained a patent for 190 Acres of Land lying in Pasquotank which is not seated and planted as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue for the Land prayed for to y^e Pet^r

Read the Petition of James Rutland Jun^r setting forth that James Rutland Sen^r Sometime agoe obtained a patent for seventy acres of Land in Bertie precinct which is not Cultivated as the Law directs Therefore prays a Lapse patent may be granted him for the s^d Land

Ordered That a Patent Issue as prayed for

Read the Petition of Thomas Commander Setting forth that John Jackson obtained a patent for a Tract of Land in pasquotank some time agoe which the said Jackson has not Cultivated as the Law directs And therefore Prays a Lapse patent may be granted him for the s^d Land

Ordered that a Lapse patent Issue as prayed for

Read the Petition of Barnaby Mackinne Shewing that one W^m Brown in the year 1713 obtained a patent for 640 Acres of Land lying in Bertie precinct which is not seated and planted thereon as the Law directs

Ordered That a Lapse patent Issue for the Land prayed for to the Pet^r

Read the Petition of Barnaby Mackinne Setting forth That sometime in the year 1713 one William Brown obtained a Patent for 640 Acres of Land lying in Bertie precinct which in is not Cultivated as the Law directs therefore prays a Lapse patent may Issue in his name for the said Land

Ordered that a Patent Issue in the Petitioners Names as prayed for

Read the Petition of Daniel Garret Shewing that in the year 1717 James Barrow obtained a patent for 300 Acres of Land in Chowan Precinct which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the said Land

Ordered That a patent Issue as prayed for

Read the Petition of John Worley Shewing that in the year 1720 James Hooper obtained a patent for 220 Acres of Land in Chowan precinct which is not Cultivated as the Law directs Therefore prays that a Lapse patent may be granted him for the s^d Land &c

Ordered that a patent Issue as prayed for

Read the Petition of John Solley Shewing that some time agoe one James Brown obtained patent for a tract of Land lying in Pasquotank which is not Cultivated as the Law directs therefore prays that a Lapse patent may be granted him for the said Land &c.

Ordered that the said Petition be granted as prayed for

Read the Petition of John Solley setting forth That James Brown obtained a patent for five hundred acres of Land in the year 1719 lying in Pasquotank which is not Cultivated as the Law directs Therefore prays a Lapse patent may be granted him for the s^d Land &c

Ordered that a patent Issue as prayed for

Read the Petition of John Cartwright Setting forth that one John Guilford some time agoe obtained a patent for Two hundred and fifty acres of Land which is not Cultivated as the Law directs Therefore prays a Lapse patent may be granted him for the said Land

Ordered That a Patent Issue as pray'd for

Read the Petition of Nathaniel Martin Shewing that Edmond Chance in the year 1717 obtained a patent for four hundred and odd acres of Land lying in Pasquotank Precinct which said Land is not Cultivated according to Law. Therefore prays a Lapse patent may be Granted him for the said Land &c

Ordered That a Patent Issue as prayed for

Read the Petition of Francis Leydon Shewing that Thomas Pearice in March 1720 obtained a patent for one hundred acres of Land lying in Perquimons precinct which is not Cultivated as the Law directs therefore prays that a Lapse may Issue to him for the s^d Land

Ordered That the said Petition be granted as prayed for

Read the Petition of Thomas Snowden Shewing that William White in 171 $\frac{6}{7}$ obtained a patent for Ninty one Acres of Land in Perquimons precinct which is not Cultivated as the Law directs Therefore prays a Lapse patent may be granted to him for the s^d Land

Ordered That a patent Issue as prayed for

Read the Petition of John Willowby Shewing that Horrice Willowby in April 1720 obtained a patent for One hundred & Sixty Seven Acres of Land lying in Perquimons Precinct which is not seated and planted thereon as Law directs Therefore prays a Patent may be granted him Accordingly &c

Ordered That a Patent Issue as prayed for

Major Thomas Luton appeared at this Board and prayed that the Hon-oble the President would give his opinion in answer to his Petition for Letters Testamentary on the Will of Mrs Esther Pollock deced as was promised him last Board To which the President gave the following answer Viz^t That he having been formerly in Council when he was a member of it and it being then denyed him he now refuses of himself to grant the same

By Order

NORTH CAROLINA—SS.

At a Council held at Edenton the 16th day of November Anno Dom 1723

Present

The Honoble William Reed Esq^r Presid^t &c

Chris Gale

Rich^d Sanderson

John Lovick

Mau Moore

} Esq^{rs} Lds Prop^{rs} Dep^{ty}s

Edward Moseley Esq^r produced to this Board a Comission and Instructions from His Excelly the Palitin and the rest of the True and Absolute Lds proprietors of Carolina appointing him Surveyor General of this Province which was Read allowed of and the several Oathes by Law appointed was duly administered and taken by him for his Qualification

Ordered that the s^d Comission and Instructions be Recorded in the Secty-Office

John Dunston Esq^r produced a Commission and Instructions to this Board from his Excelly the Palatin and the rest of the True and absolute Lords proprietors of Carolina appointing him Naval Officer of this Province & Reciever of the Tenths of the Fishery which was read and allowed of and the oaths by Law appointed was duly administered and taken by him for his qualification

Ordered that the s^d Commission and Instructions be Recorded in the Secretarys Office

By Order

NORTH CAROLINA—SS.

At a Council held at Edenton the 21st day of November Anno Dom 1723

Present

The Honoble William Reed Esq^r Presed^t &c

Chris Gale

Rich^d Sanderson

To^s Pollock

Mau Moore

} Esq^{rs} Lds prop^{rs} Deptys

John Lovick Esq^{rs} a Member of this Board now made a motion praying that he might call some Persons to make oath to their knowledge of Governor Edens Making his Will wherein the s^d Lovick is appointed Sole Executor that their several Depositions might be kept upon Record in the Council Journals which being allowed of.

Christopher Gale Esq^r Chief Justice of this Province appeared and being sworn on the Holy Evangelist—Saith—That some time in the

winter before the Death of the said Governor Eden at a time when Mr Lovick had expressed some uneasiness for his being confined therefrom his buisness at home he the s^d Lovick being then very Ill Governor Eden with some concern told the Deponant that Mr Lovick was the first he ever knew Slight an Estate when it was offered him or words to that Import

And at the same time or some time during the said Gov^rs last sickness Mr Lovick having signified some design of his intending to build he the Governor told this Depon^t that he wondered Mr Lovick would be in such haste that he should not live long himself and then he would have a house ready furnished or words to that effect

And the Depon^t further saith that being at Governor Edens when he Dyed Mr Lovick either the same day or some very short time after told this Deponant that the Governor had Charged him in case Mr Lloyd gave him any trouble or refused to give him a General Discharge or words that were to that Effect not to pay one farthing which he understood to be meant of Mrs Pugh's Legacy

And further saith not

C GALE

Then Edward Moseley Esq^r Surveyor General of this Provice appeared being Sworn Saith that that on or about the 27th day of February Anno Dom 1721 he had occasion to wait on the late Governor of North Carolina Charles Eden Esq^r concerning the proving the Last will and Testament of William Duckingfield Esq^r at which time the said Gov^r was very weak & Languishing but of sound and perfect mind and memory That the said Governor at that time had discourse with him the Dep^t in Private That among other discourse which the s^d Govern^r had with the Dep^t he shewed a great sence he had of the Friendship and Assistance he had met with from Mr Lovick and that he told this Deponant he had he hoped made him some amends that he had made his will and therein given the s^d Mr Lovick all his Estate except some Legacys and other payments which he believed he might Comply with and have a handsome thing left for himself or words to that purpose.

And further saith not

E MOSELEY

Then William Badham Esq^r Magistrate of this Governmt appeared and being duly sworn Saith That Sunday the 24th day of December 1721 he went from home to Governor Edens in Company of Mr Clayton to keep their Christmas with the Governor and the Governor having been a long

time in a Lingering Sickness could not be so merry as usual but was in his perfect sence mind and memory and often said he would make his will before this Depon^t and the rest of the Company that was with him went away that they might be Evidences to it and further added that he wondered at the backwardness of M^r Lovick (who was then at his house) in writing it for him and that he thought him the said Lovick was the first man that ever refused an Estate before in his life time when offered him

And the Deponant further saith that on Christmas day the Governor Came into the outer room or Hall and Dined with the Company and that in the evening he desired the Company to go into the parlor where this Dep^t saith there was a large bowle of punch made and that the Governor was very merry with the Company that night

And the Depon^t further saith that at that time he stayed several days at the Governors house and in the time of his being there he often heard the Governor Complain of Mr Lovick that he could not get him to write his Will and at last the said Lovick did write the will which he saw the Governor sign seal pronounce and declare to be his Last will and Testament and signed the same as an Evidence and at the doing thereof this Depon^t heard the Gov^r say with an Asserveration he was very glad his will was made and that he was fully resolved never to make another or words that Implied as much

And this Depn^t further saith that he waited upon Governor Eden Several times in his Illness and often heard him declare (M^r Lovick being absent) that he intended to give the said M^r Lovick the greatest part of his Estate and upon some discourses he had with the Gov^r about the said Lovicks being about to remove from Sandy point (where he then lived) with a design to settle himself at Edenton he the Depn^t told the Governor that the s^d Lovick had offered him a Considerable reward to undertake the building of an House for him at Edenton or to oversee the workmen that should do it for him to which the Gov^r answered that he wondered that he could not content himself to come and live with him for that he really believed he should never get over that Illness and then his house might serve for the s^d Lovick as well as it had done for him or words to that purpose

And this Deponant further saith that on the 14th day of April following he went from Edenton to the said Lovicks with the said Co^{ll} Gale and the s^d Lovick in discourse told them that Gov^r Eden had given him some Verbal Instructions about his Will one of which was about a legacy left one Mrs Pugh that before payment he should first get a General Discharge from one M^r Roderick Lloyd who was Father in Law to the

said M^{rs} Pough as he told this Depon^t for he thought in giving that Lagacy it was sufficient for the Family therefore charged him to insist upon the Discharge from M^r Loyd before he paid it

And further saith not

W^m BADHAM

Then M^{rs} Mary Badham Wife to William Badham Esq^r appeared and being sworn Saith That about the 25th day of Decem^r Anno 1721 she was for several days at the house of Charles Eden Esq^r late Governor of North Carolina at which time he was indisposed but of sound and perfect mind and memory and not confined to his Bed that during the time of this Depon^t being there the late Gov^r Eden did often speak to her concerning the making of his will in Which dicourse he shewed some concern that John Lovick Esq^r to whom he said he designed to give every thing, should be so backward to write it and that he much wondered he could not prevail on the said M^r Lovick to write his will altho he had frequently spoke to him to do it and that he beleived M^r Lovick was the first that ever refused an Estate That the said Gov^r Eden had much discourse with the Depon^t to the same purpose whenever the said M^r Lovick was absent and that the said Gov^r Eden did then tell this Depon^t that he would have his Will wrote while she was there that she and her husband might be Witnesses thereto and desired her to speak to M^r Lovick to write it while she was there for it would be the last he would ever make

And the Depon^t further saith That while she was there at the time aforementioned the said John Lovick Esq^r coming into the room where the said late Governor used much he told said Lovick in the Depon^ts hearing that he had often been at him to write his Will and that he would then have it done Whereupon the said John Lovick set down and by his order wrote the original Will at this present shown unto her to which the Depon^t is an evidence

And further saith not

MARY BADHAM

Then Henry Clayton Esq^{re} one of the Justices of the General Court for this province being Sworn Saith that he went over in Company with M^r Badham & his Wife to Governor Edens some time about the 24th of December 1721 to keep his Xmas with the late Governor Eden That when he came over he found the s^d Governor some what indisposed but capable of walking about the house and in perfect sound mind and memory and that while the Depon^t was at the Governors house the said Gov-

ernor Committed his last will and Testament to writing and called this Depon^t to see him Execute the same and this Depon^t heard him declare it to be his last will and Testament and signed the same as a Witness and this Depon^t at that time stayed near a weak at the Gov^{rs} house and left him in no worse condition than he found him

And further Saith not

H^{ay} CLAYTON

By order

[RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer and Gaol Delivery held at Edenton the twenty sixth day of March Anno Dⁿⁱ 1723 & continued by severall adjournments till y^e 2^d day of Aprill following.

The attachment against John Sale to compel him to appear &c at this Court (if to be found) if not then against the Good & Chattells of the said John Sale being returned Executed in the hands of Thomas Mathews and the said John Sale (being Solemnly required) came not and the said Thomas Mathews being also summoned made his appearance and acknowledge that he hath moneys in his hands belonging to the said John Sale but that an attachment hath already been leyed for part of it.

Wherefore it is consider^d and Order^d that the said Thomas Mathews do prepare his Acco^{ts} and vouchers and Settle the same before the Hono^{ble} the Cheif Justice so that report may be thereof made to the next Generall Court on the las Tuesday in July next on the third day of the said Court till which time the said Attachment is continued.

The above Entry was by mistake in page (87) omitted till proceedings of that Court were sign^d by the Cheif Justice.

Test. W. BADHAM Clk.

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer & Terminer and Gaol Delivery held at Edenton the twenty sixth day of March Anno Dⁿⁱ one thousand seven hundred and twenty three and Continued by severall adjournments till the Second day of Aprill following

Present

Christopher Gale Esq^r Cheif Justice

John Worley } Esq^{rs} { Adam Cockburne } Esq^{rs}
Edm^d Gale } { Henry Clayton }

Assistansts

The following persons were Impannell^d and sworn of the Grand Jury
Viz^l

Major Thomas Luton
Joshua Turner Esq^r
Joseph Spruill
John Swain
George Allen
Francis Pugh
Henry Speller
Thomas Comander

William Howett
John Powell
Cornelius Harnett
James Castellaw
Joseph Jessop
John Jordan
Samuell Patchett

Who being charg^d by the Cheif Justice with things proper for their Inquiry withdrew and consider^d the severall matters given them in charge and on their return having nothing to present they were discharg^d from further attendance at this Court

A Bill of Indictment having been presented to the Grand Jury aforesaid against Rebecca pritlove on suspicion of having concealed the birth of a Bastard Child and being returned to the Court here Ignoramus she is thereupon discharg^d by proclamation & may goe home without day paying fees.

Joshua Stones being bound by Recogn: to appear at this Court &c accordingly made his appearance and was dismist without day paying fees.

Hill Savage being bound by Recognizance to appear at this Court &c. accordingly made his appearance and was dismist without day paying fees.

Thomas Pollock Cullen Pollock Esq^{rs} & George Pollock Gent being summoned to appear and answer an Informa^on filed against them by John Lovick Esq^r and failing to appear Order^d that an Attachment do issue.

And now here at this day viz^l &c. came the Ex^{tors} of Coll^o ffredrick Jones deced. late Cheif Justice who by Edward Moseley their attorney appear, and deliver^d to the Hono^{ble} Christopher Gale Cheif Justice two hundred and ninety pounds being the money lodg^d in the hands of the said Jones by Robert Atkins and Daniel Mackdaniel for the Security of the Recognizance by them forfeited.

Edward Cockrill being bound by Recognizance to appear at this Court &c and therein failing

Order^d that a Scire fac. to issue to cause him to appear at the next Gen^l Court & shew cause why his Recognizance should not be Escheated

Thomas Mathews being bound by Recognizance to have the body of the said Edward Cockrill here, appeared but failing to produce the Body day is given him till the next Gen^l Court to produce him.

Ann ffavor being bound by Recognizance to appear at this Court &c accordingly made her appearance and is dismiss without day paying fees

Upon reading the Petition of Edward Moseley Gen^t and Others &c in haec verba viz^t

NORTH CAROLINA—ss.

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice & to the rest of the members of the Hono^{ble} the Gen^l Court

The Petition of Edward Moseley Gen^t Jeremiah Vaile and other the Inhabitants of Yaupin Neck in Chowan p^rinct.

Humbly sheweth that in the year one thousand seven hundred and seventeen by the Order of the p^rinct Court of Chowan a Main Road was laid out from Doct^r Urmston's plantation down the neck that leadeth to the mouth of Yaupin River and that the Inhabitants within that District have with great Labour & Expence cleared and kept the said Road as the Law requires, which is of very great use for the Inhabitants dwelling along the Sound side and at the mouth of Yaupin River for without such Road leading from or near the mouth of Yaupin River to the main Road at Doct^r Urmstons the said Inhabitants can have no lawfull road to come to the Court held for the p^rinct or to the Church or Generall Court held at Edenton. Yet so it is May it please yo^r Hono^{rs} that some very few persons Viz^t John Blount Esq^r James Beasley William Benbury and Henry Haughton having prefer^d a petition to the p^rinct Court held in July last for altering and changing the said Main Road & making a new one (which can only be for the private use of those petitioners and the great damage of the persons thro' whose lands such New Road is to pass as well as to the great damage of the persons having benefitt & interest in the old Road) Have surreptitiously and Ex parte obtained an Order of the said p^rinct Court for altering the Old Road and laying out a new one without the privy knowledge or consent of the owners of the Lands thro' which such Road is to be made and without the knowledge or consent of far the major part of the Inhabitants that are belonging to the old Road Copy of which petition and Order four petitioners produce here in Court all which proceedings of the aforesaid John Blount Esq^r and the Order of the p^rinct Court aforesaid being contrary to law. Yo^r petition^{rs} therefore humbly pray that this Court will be pleased to grant an Order that the Order of the p^rinct Court may not be putt in Execution untill yo^r petitioners are heard in this Hono^{ble} Court where they hope to make appear that y^e proceedings of the said John Blount Esq^r &c. and the order of the p^rinct Court grounded thereon are contrary to Law.

And the said John Blount Esq^r &c may have a time a time appoynted by this Hono^{ble} Court to attend and answer the p^rmisses And further that the said Order of the said p^recinct Court passed so irregularly & contrary to law may be reversed sett aside and declared null and voyd.

And yo^r petition^{rs} as in duty bound shall ever pray &c.

WILLIAM HARRISON

JOHN HARRISON,

UNNIS ^{mark} ✓ HARRISON,

THOMAS PEIRCE JUN^r

E. MOSELEY

WILLIAM SMITH

JEREMIAH VAILE

JOHN ^{his mark} S AMES

PETER JESSEY

JOHN ^{his} ‡ BENNETT
_{marke}

JOSEPH OATES

WILLIAM ^{mark} W HARRISON

THOMAS ^{marke} H HORTON

And the Orders of the precinct Court therein mentioned & upon a full hearing thereon and the arguments on both sides being only consider^d It is adjudged by the Court here that the said Order of the p^recinct Court of Chowan July one thousand seven hundred and twenty two relating to the Roads in the said petition men^tioned be reversed & sett aside, and all proceedings on the said Road declared null & voyd

A Complaint against Luke White for cohabiting with one Elizabeth Avery and abusing his wife &c being read is referr^d to the p^recinct Court of Chowan

for further proceedings at this Court see page (85) an Attachm^t v. John Sales Estate in the hands of Thomas Mathews

And then the Court adjourn^d

By order of the Cheif {
Justice and his Assistants }

C. GALE Ch. Just

W. BADHAM

Clk

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer and Terminer & Gaol Delivery held at the Court house in Edenton begun on Tuesday the thirtieth day of July Anno

Dni one thousand seven hundred & twenty three & continued by severall Adjournments till Tuesday the sixth day of August following.

Present

	Christopher Gale Esq ^r	Cheif Justice
and	John Worley	} Esq ^{rs} Assistants
	Edmund Gale	
	Adam Cockburn	
	Henry Clayton	
	John Solley	

Whereas Thomas Dunn appear^d at this Barr in Custody of the Marshall and here confes^t himself guilty of severall petty Larcenys by him comitted within this Government.

Whereupon it is Consider^d and Adjudg^d that the said Thomas Dunn be tyed to the Taile of a Cart & that he be whip^t on his bare back with thirty nine lashes well laid on, and thence to continue in the custody of the Provost Marshall of Albemarle County or his Deputy for the Space of six weeks that he may be deliver^d to any person that may or can make any lawfull claim to him as a Servant and if no person appear in that time then he is to be disposed of for four years to the first Master of a Vessel that will give security to transport the said Dunn out of this Government.

Edward Hassell being bound by Recognizance to appear at this Court to answer to the Complaint of Thomas Andros accordingly made his Appearance And the said Thomas Andros John Hassell William Hassell and Abraham Hassell being bound to prosecute and give Evidence appear^d also and on hearing the whole matter It is the Opinion of this Court that the prosecuto^{rs} may be releiv^d at the Court of Comon pleas and thereupon the said Edward is dismist without day paying Costs.

And now here at this day (viz^t &c) came the aforesaid John Lovick Esq^r and prayed discontinuance of the Information by him filed not having sufficient Evidence to support the same.

Whereupon the said Thomas Pollock Cullen Pollock Esq^a and George pollock Gen^t are dismist without day And It is Order^d that the Informant pay Costs alias Exōn

John Worley Esq^r on behalf of Jacob Blount Overseer of the Roads on the South Shore having appealed to this Court from the Judgement of the p^rinct Court of Chowan and now failing to appear and prosecute his said Appeall: Order^d that the said Appeall be dismist with Cost als Exōn

Robert Forster being bound by Recognizance to appear at this Court to answer the complaint of Roger Hazard accordingly made his appearance and was dismist without day paying Costs.

Roger Hazard being bound by Recognizance to appear at this Court to answer the Complaint of Sarah Hazard accordingly made his appearance & was dismit without day paying Costs

And now here at this day (Viz^t &c) Thomas Mathews brought into Court here his papers and filed them but having failed to adjust the Acco^{ts} between him and the said Sale as by the last Courts Order he ought to have done Therefore it is Consid^d and Order^d that he do settle the aforesaid accounts before the Cheif Justice with all convenient speed and make report thereof to the next Court on the last Tuesday in October next on the third day of the said Court till which time the aforesaid Attachment is continued

And now here at this day (Viz^t &c) the said Edward Cockrill (being solemnly required) to shew cause why his Recognizance should not be Estreated came not which Recognizance being read in these words Viz^l

Be it Remembred that on the sixth day of December Anno Dni one thousand seven hundred and twenty two Edward Cockrill Weaver & Thomas Mathews planter came before me Henry Clayton Esq^r one of his Majestys Justices of the Peace for the said Colony and of the Generall Court and acknowledged themselves indebted to our Sovereign Lord the King to witt the said Cockrill in the sum of sixty pounds and the said Thomas Mathews in the sum of thirty pounds severally to be levyed upon their Goods & Chattells, lands & Tenements to the use of our Lord the King if Default be made in the Conditions following viz^l

The Condition of this Recognizance is such that if the above bound Edward Cockrill shall personally appear at the next Gen^l Court to be held at Edenton the last Tuesday in March to make answer to the complaint or Information of Thomas Luton and Samuel patchett for stealing a Barrow Hogg belonging to Tho^s Luton and the sow from Samuel patchett in the year one thousand seven hundred and nineteen which informa^{co}n is then and there to be tryed then the above Recognizance to be voyd or else to remaine in full force power & virtue &c.

Whereupon It is Considered by the Court here that the said Recognizance is become forfeited and Execution thereof is hereby adjudg^d to be accordingly done.

And now here at this day (viz^l &c) came the aforesaid Thomas Mathews who was bound by the above Recognizance to have the body of the said Edward at this Court under the penalty of thirty pounds and failing to produce the body of the said Edward he offer^d to the Court here a mortgage from him the said Cockrill to the said Mathews of all his whole Estate which was entred into by the said Cockrill to indem-

nify him: and the said Mathews being a poor man & likely suffer by means thereof humbly praying to be admitted to surrender the said Mortgage towards satisfying the said Recognizance and that he may be thereof discharg^d &c. The Court taking into Consideration the said Mathews's Case are of opinion that the said Mathews deserves compassion and do humbly recomēd his case to the Consideration of the Hon^{ble} the president and Councill.

And then the Court adjourned

C. GALE Ch. J.

By Order of the Cheif Justice & his Assistants

W. BADHAM Clk.

NORTH CAROLINA—SS.

Att a Generall Court of Oyer & Terminer and Gaol Delivery held at the Courthouse in Edenton begun of Tuesday the twenty ninth day of October One Thousand seven hundred and twenty three & continued by severall adjournments to the second of November following

Present

Christopher Gale Esq Cheif Justice

and { Adam Cockburn } Esq^{rs} Assistants.
 { Henry Clayton }

And now here at this day (Viz^l &c) the said Thomas Mathews having failed to adjust the accompts between John Sale aforesaid and him before the Honob^{le} the Cheif Justice as by the last Courts Order he was obliged to do Order^d that he do settle & adjust the said Acco^{ts} as before directed and make report thereof to the next Court on the last Tuesday in March next on the third day of the said Court till which time the said attachment against the Goods & Chattells of the said John Sale is continued

John Burton and Thomas Williamson appear^d at this Barr and declared that they were bound to appear at this Court here by Recognizance taken before John Solly Esq^r and prayed that their appearance might be entred and also that they might be discharged; And there being no Recognizances return^d nor any Informations filed against the said John Burton and the said Thomas Williamson It is therefore Consider^d and Order^d that they be dismist without day paying Costs.

And it is further Order^d that a sumons do issue directed to John Solly Esq^r commanding him to appear at the next Court on the last Tuesday in March next on the third day of the said Court to shew cause (if any he hath) why the Examinations of the said John Burton and Thomas Williamson together with their Recognizances were not return^d to this Court

And that the said Summons be given to the provost Marshall of Albemarle County to Execute and returne.

John Whidbee being bound by Recognizance to appear &c at this Court accordingly made his appearance and was dismist without day paying Costs.

John Martin & Nathaniel Martin his son being bound by Recognizance to appear &c at this Court accordingly made their severall appearances And no Informations being filed nor prosecuto^{rs} appearing Upon Proclamation they were dismist without day paying Costs.

The petition of Mary Cockrill wife of Edward Cockrill together with an Order of Council thereon was read in these words Viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} the president and the rest of the members of the Council now sitting

The humble petition of Mary Cockrill wife of Edward Cockrill late of Chowan Precinct sheweth That whereas the sayd Edward was bound by Recognizance to appear at March Gen^l Court one thousand seven hundred and twenty three and by a Scire facias continued he was required and comanded to appear at July Gen^l Court then next following and therein also fayling the said Recognizance was then and there declared forfeited and Execution thereof adjudged to be done and the sayd Edward being departed this Government and having left your humble petition^r in a very mean condition his goods & Chattells being of little or no value and only such as are absolutely necessary for the support of your petition^r and without which she is likely to become chargeable. She therefore humbly prays that your Hono^{rs} out of the abundance of your great goodness and clemency would be pleas^d to remitt to the said Edward his fine forfeited as above mention^d and that he may be thereof discharg^d and your petition^r as in duty bound shall pray &c

Sign^d MARY COCKRILL.

NORTH CAROLINA—SS.

At a council held at Edenton November the seventh one thousand seven hundred and twenty three

Present W^m Reed Esq^r president Christopher Gale Richard Sanderson John Lovick and Maurice Moore Esq^{rs} Lords Deputy^a

The petition of Mary Cockrill was read setting forth that Judgement past against her husband in the Gen^l Court of this Province at July Gen^l Court last on forfeiture of a Recognizance and that her husband had

left her in very deplorable circumstances with severall small children who must all be inevitably ruin^d unless by the clemency of this Board the Execution be stopp^d & the fine remitted to the petition^r Which this Board duly considering of and severall members being satisfi^d of the truth of the petition Orderd that the sayd Fine be remitted & the goods restor^d that are taken into Custody by virtue of the sayd judgement.

1724.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

Pursuant to an Instruction from his Excellency the Palitin and the rest of the True and absolute Lords Proprietors of Carolina directing and requiring William Reed Christopher Gale John Lovick Edward Moseley Francis Foster Richard Sanderson John Blount Thos Pollock Thomas Harvey Robert West or any three of them to administer the oaths by Law appointed to be taken for qualification of publick officers to George Burrington Esq^r Commissionated and appointed Governor General and Admiral of this Province met at Edenton the 15 day of Janry 1723

William Reed	} Esq ^r
John Lovick	
Edward Moseley	
John Blount	
Tho ^s Pollock	

And thereupon the Honoble the Gov^r produced to this Board Instructions to this Board from the Lords proprietors as aforesaid and tooke and subscribed the several Oathes by Law appointed agreeable to the said Instructions and then administered the same Oaths to the fors^d William Reed John Lovick Edward Moseley John Blount and Tho^s Pollock as members of the Council of this Goven^t and immediately took his place at the Board as Governor

Ordered That a proclamation do forthwith Issue requireing due obedience to the Government now Lawfully Established and for Continuing all Officers till further notice

Then Arthur Goffe Esq^r produced to this Board a Commission and Instructions from his Excellency the Palatin and the rest of the true and

absolute Lords Proprietors of Carolina therein appointing him to be Receiver General of this Province which being read was allowed of and took and subscribed the several Oaths by Law enjoyned for his qualification

Ordered That the s^d Comission & Instruction be recorded in the Secretary office

Henry Clayton Esq^r being recommended to this Board for provost Marshall General for the whole Province which being unanimously agreed to

Resolved That the said Henry Clayton be and he is hereby appointed till further notice Provost Marshall General of this Province

The Honoble the Governor having appointed Arthur Goffe Esq^r a member of this Board he appeared and after having duly Qualified himself took his place at the Board accordingly

By Order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss.

At a Council held at Edenton the 22^d day of January Anno Dom 1723(4)

Present

The Honoble George Burrington Esq^r Governor &c

J Lovick	}	Esq ^r Members of y ^e Council
E Moseley		
T Pollock		
A Goffe		

Richard Sanderson and Thomas Harvey Esq^{rs} being appointed Members of y^e Council by His Excellency the Palatin and the rest of the true and absolute Lords Proprietors for this Province appeared and after having taken the usual Oaths by Law appointed for Qualification of Publick Officers they took their places at the Board accordingly

Present Rich^d Sanderson Thomas Harvey Esq^{rs}

The Honoble the Governors having Informed this Board that he had divers weighty matters to lay before the General Assembly from the true and absolute Lords Proprietors

Resolved That the present General assembly do Sit for the Dispatch of Business on the first Tuesday in April next, the time it now stands Prorogued to

Ordered that the Provost Marshall Gen^l or his Deputy give notice as soon as possible, to each respective Member of the General Assembly of this Resolve

Adjourned till to morrow morning

January y^e 23^d 1723(4).

Present

Honoble George Burrington Esq^r Governor &c

John Lovick	} Esq ^r Mem ^{rs} of Council
Edw ^d Moseley	
Ricch ^d Sanderson	

Thos Pollock
Tho Harvey
Ar Goffe

The Lords Proprietors having been pleased in their Instructions to the Honoble the Gov^r to direct that a new survey should be made of all their Land holden in this Government by their Tenants That an exact Rent Roll might be made thereby This Board having the said Instructions under consideration and being sensible that their Lord ships Revenue hath fallen very short of its true value for want of a more Exact Survey and Rent Roll

It is Ordered that the Surveyor General do cause a survey to be made of all the Lords Prop^{rs} Tenants Lands in this Government with as much dispatch as may be and that due return be made thereof according to their Lordships Instructions and that the sum of Two shillings & hundred acres be paid by the Lds Prop^{rs} Reciever General to such Person or Persons employed by the Surveyor General for the Survey of each Tract of Land that shall be made and Returned to the Secty And that the Secty have & Receive Twelve pence for recording each survey so returned as soon as their shall be monies in their Ldps Treasury.

And it is further Ordered

That every Person employd by the Survey^r General for making the survey and all such as shall Carry the Chain shall perform their several Services on Oath

The Proposals for determining the Controversy relating to the Bounds between this Government and Verginia that were Offered by the Governors of both Provinces for his Majesties Royal approbation and Consent of the True and absolute Lords Proprietors of Carolina having been laid before their Lordps and their Ldps having signified their Consent thereunto have also Comanded the Survey^r Gen^l to be aiding and Assisting to the Gov^r & Council in Settling the said Boundaries as near as may be to those proposals made by the Gov^{rs} of both Provinces and there having been a due West Line run from the mouth of Wyanoke now called Nottoway to prevent any eneroachm^{ts} that might otherwise be

made by the Inhabitants of this Government on the Lands belonging to his Majesties Province of Virginia

Wherefore to prevent any Disputes concerning the Lands lying to the Eastward of the said Wyanoke now Called Nottoway

It is Ordered

That Edward Moseley Surveyor Gen^l Thomas Pollock Thomas Harvey and Maurice Moore Esq^{rs} or any two of them with the Surveyor Gen^l be appointed and they are hereby appointed Commission^{rs} to cause a due west line to be run and fairly marked from the mouth of Curratuck River or Inlet until it shall come to Chowan or Blackwater River according to the purport of the afore mentioned proposals upon Record in the Sectys Office of this Government.

And the Surveyor Gen^l is hereby Commanded and Required not to survey and lay out to any of the Inhabitants of this Governm^t any Lands to the Northward of the said Line when it shall be marked And that in runing the s^d Line the s^d Commiss^{rs} do begin at the place on the North side of Curratuck Inlet where the Commiss^{rs} formerly appointed on the behalf of both Governm^{ts} took their observations

By order

J LOVICK Secty

[B. P. R. O. AM. & W. IND. VOL. 22. P. 3.]

GOVERNOUR JOHNSON.

LONDON, Feb 3^d 172³/₄

Since I had the Honour of waiting upon your Lordship, have had some thoughts, on what manner your Lordship might best influence the affairs of Carolina, to induce the people to doe justice to your Interests there And I submit it to your Lordships judgment if you dont think it may be advisable to obtain the Government yourself, and to act by a Deputy, My Lord Orkney is Governour of Virginia in the same manner.

And that things may remain as they are, as to the Lords Proprietors pretensions, the same word (Provisional) may be inserted in your Lordships commission or in Mr. Nicholsons.

And if I was thought worthy of the honour to act under your Lordship should esteem it moor, and be better capable of serving you then being independant and I should be entirely satisfied with the profits

which arise from the independant company and perquisets, without the salary they say M^r Nicholson has in England.

When I was upon the spot I should be able to judge what reason I could bring the people to by letting them see the advantage of your Lordships protection and friendship or the inconveniency would attend their tranquility Act being disanuled by the King which they might provoke you to procure And it might be a further inducement to them to hear reason to have it inserted in the Lieutenants Governours Instructions from the King, that particular regard should be had, that the people did justice to the Lords Proprietors Properties and thus should I be able as I found I could deal with them to aprise your Lordships how far it would answer your being sole Pro^r

My Lord I am sure M^r Nicholson hopes by his coming to England to get himself established Governour to act by a Deputy so by having one he recommends could influence the affairs of Carolina his one way, to my knowledge he tells the faesion he shall be able when in England to do them moor service than in Carolina and desires to go to England for that reason and once in a passion I heard him say, let the Lords Proprietors take cair the King did not take the soil as well as Government for their ruinging the Country by shutting up the Land office for theirby they had forfeited their Charter.

My Lord these my cruied thoughts I submit to your Lordships judgement I take leave to enclose a Copie of the Assemblys address to me and my answer upon it just before they mutinied against me, your Lordship being out of England to my great misfortune, perhaps never red it, I do assure your Lordship I have no ways forfeited there esteem but in vigerously aposing their unjustifiable proceedings against the Lords Proprietors and not haveing concerned myselfe directly or indirectly since M^r Nicholson's arival in publick afares. I left the Province I am sure with the good wishes of a great majority of the Inhabitants that I should succeed him and I will be bold to say that if in your Lordships absence I had not been barbarously treated by the Lords Proprietors and every thing done contrary to my advice and my Counsel removed who I had settled a good understanding with to make way for Trotts and Rhets frinds to worm me out of the Government before your Lordships return; I could esely have prevented what hapned and have defied the peoples efforts.

I likewise presume to inclose a draft of a Petision to his Majesty but shall make no use of it either in that form or any other but as your Lordship shall approve and alow of, in whose goodness I intirely rely, I

have been very ill of a cold ever since I saw your Lordship but hope to be abroad tomorrow and shall wait upon your Lordship when please.

I am your Lordp^s

most Dutifull and

Devoted Humble Servant

ROBT: JOHNSON.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at Edenton the Second day of April Anno Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r &c

Chris ^r Gale	}	John Blount	}	Esq ^{rs} Memb ^{rs} of Council
J Lovick		Tho ^s Pollock		
Edw ^d Moseley		Arth Goffe		
		Fran Foster		

Christopher Gale and Francis Foster Esq^{rs} being appointed members of this Board by the Lords Prop^{trs} presented themselves and having taken and Subscribed the several oaths by Law appointed for due Qualification of Publick Officers together with the oath of a memb^r of the Council They took their places at the Board accordingly.

Upon the Death of Daniel Richardson Esq^r late Judge of the Court of Admiralty within this Province Wherefore this Board doth hereby appoint Edward Moseley Esq^r Judge of the said Court till further orders and it is further ordered that William Little Esq^r be and he is hereby appointed Attorney General of this Province till further orders in the Room of the said Daniel Richardson de^{cd} and thereupon the said Edward Moseley and William Little took and Subscribed the several oaths by Law appointed for Qualification of Publick Officers

Thomas Boyd Esq^r being recommended to this Board for Solicitor General and advocate of the Court of Admiralty for this province was approved of and is hereby appointed till further orders Solicitor General and advocate of the Court of the Court of Admiralty and was thereupon duly Qualified by taking and Subscribing the oaths by Law appointed for Qualification of Publick Officers

Robert Forster Gent is hereby appointed Register of the Court of Admiralty for this Province till further orders and was thereupon duly

Qualified by taking and subscribing the Several Oaths by Law appointed for Qualification of Publick Officers

Adjourned till to morrow morning

Met again present *ut supra* & Thomas Harvey Esq^r

Read the Petition of Major Thomas Luton directed to the Honoble the Govern^r as ordinary praying Letters Testamentary on the will of M^{rs} Esther Pollock decd and a Caveat being entered in the Secretarys Office against the said Lutons obtaining such Letters by Thomas Pollock Esq^r till he was heard in Council the said Pollock appeared and prayed time to produce his paper relating to that affair not having had timely notice of s^d Petition

Ordered that time be granted to the said Thomas Pollock Esq^r to the 16th Instant to argue the matter

Read the petition of Edmund Chaney praying that Lapse patents may not be granted to Nathaniel Martin for his Two Tracts of Land belonging to the said Chaney &c And Nathaniel Martin appearing and the matter being argued on both side. This Board is of Opinion that the lower tract of Land whereon a large Quantity of clear ground is proved to be is saved and that the other tract of Land is become Elapsed

It is therefore ordered that the patent granted last Council to the said Nathaniel Martin for four hundred and Eighty two Acres of Land now in the Secretary's Office be destroyed and that he deliver the other patent then granted to the said Martin.

Upon a Reference from the last Council on a Caveat entered by George Cockburne against Edward Moore obtaining a patent for a small Quantity of Land lying between the lines of the said George Cockburne and John Williams which having been argued by their Council on both sides This Board was of Opinion that the said Land in dispute was vacant

It is therefore ordered that the Secretary Issue a patent for the said Land to the s^d Edward Moore

Upon the Caveat of Robert Willson against William Cockrils obtaining a lapse patent for a tract of land belonging to the s^d Willson granted last Council to the said Cockril and Mr Robert Hicks was produced who made oath that he had made a View on the said Land and there was an habitable house thereon and that he beleived there was upwards of an acre of ground cleared and that Corn had been planted thereon And the said Cockril being called & not appearing to justify his Claim

Ordered that the patent granted to the said Cockril now in the Secretarys office been destroyed

NORTH CAROLINA—ss.

At a Council held at Edenton April the 9th Anno Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r

Chris. Gale	}	John Blount	}	Esq ^{rs} Memb ^r of Council
J Lovick		Thos Pollock		
Ed Moseley		Thos Harvey		
Fran Foster		Arth Goffe		

Read the Petition of William Ricks shewing that in March in the year 1720 Esther Kirby obtained a patent for Six hundred and forty acres of Land lying in Bertie precinct which Land not being seated according to Law prays a Lapse patent for the same &c which is granted &

Ordered That the Secty Issue a patent for the said Land in the said Ricks's name

Read the petition of William Ricks shewing Benjamin Ricks in March 1720 obtained a patent for 640 Acres lying in Bertie precinct on the South side of Meherine which is not Cultivated as the Law directs therefore prays a Lapse patent for the same &c

Ordered That a patent Issue as prayed for

Read the Petition of Esther Ricks Shewing that Esther Kirby by patent date in March 1721 obtained a patent for 640 Acres which Land not being Cultivated as the Law directs praying a Lapse patent for the s^d Land

Ordered That a patent Issue as prayed for

Read the Petition of George Lillington Shewing That Edw^d Lilling-ton in December 1720 obtained a patent for 640 Acres lying on the South side of Allegator Creek which is not Cultivated as the Law directs

Ordered That a pattend Issue as prayed for

Read the Petition of John Mackneil shewing That James Bryan in August 1720 obtained a patent for 120 acres Land on Bear Swamp w^{ch} is not Cultivated as the Law directs Wherefore prays a Lapse patent may be granted him for the said Land &

Ordered That a Patent Issue as prayed for

Read the Petition of Richard Parker shewing That John King in the year 1719 obtained a patent for 90 acres of Land lying in Chowan w^{ch} s^d Land not being Cultivated as the Law directs prays a Lapse may be granted him for the same for the same

Ordered That a patent Issue as prayed for

Read the Petition of Simon Jeffries shewing That William Jones in the year 1720 obtained a patent for 100 acres of Land lying on Morat-

took River which not being Cultivated as the Law directs therefore prays a Lapse patent for the same

Ordered That a Patent Issue as prayed for

Read the Petition of William Gray shewing That Owen O Daniel some time ago obtained a patent for 480 acres of Land lying on Cassay which not being Cultivated as the Law directs prays a Lapse patent may be granted him for the same &c

Ordered That a patent Issue as prayed for

Read the Petition of William Whitehead shewing that Robert Patterson sometime ago obtained a patent for a tract of Land lying in Potakasey woods in Bertie precinct which is not seated and planted thereon as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered That a patent Issue according to the prayer of the petition

Read the Petition of Freeman Mackbride Shewing That James Spence in the year 1719 obtained a patent for 640 Acres of Land lying in pasquotank which is not Cultivated as the Law directs therefore prays a Lapse patent for the same &c

Ordered That a patent Issue as prayed for

Read the Petition of Tho^s Smith shewing that William West in march 1721 obtained a patent for 640 acres of Land which is not cultivated as the Law directs therefore prays a Lapse patent for the same &c

Ordered that a patent Issue as prayed for

Read the petition of Henry Bonner Jun^r Shewing that in the year 1720 Henry Bonner S^r obtained a patent for 340 Acres of Land w^{ch} is not Cultivated as the Law prescribes therefore prayes a Lapse patent for the s^d Land &c

Ordered That a patent Issue as prayed for

Read the Petition of Alexander Spence shewing that Griffin Jones in the year 1716 obtained a patent for 74 Acres of Land lying in Pasquotank which is not Cultivated as the Law directs he prays a Lapse patent for the same &c

Ordered that a Lapse patent Issue as prayed for

Read the Petition of Elizabeth and Martha West shewing that Thomas West in March 1721 obtained a patent for 570 Acres lying on the North side of Cassay which is not Cultivated as the Law directs therefore prays a Lapse patent for the same and &c

Ordered That a patent Issue as prayed for

Read the Petition of William Rayfield shewing that Mathew Caswell in the year 1719 obtained a patent for 490 Acres lying in Pasquotank which is not Cultivated therefore prays a Lapse patent &c

Ordered That a Lapse patent Issue as prayed for

Read the Petition of John Comes shewing that Cornelious Fitz Patrick sometime agoe obtained a patent for a Tract of Land lying on the south side of Allegator Creek which is not Cultivated according to Law therefore prays a Lapse patent for the same.

Ordered that a patent Issue as prayed for

Read the Petition of Henry Thickpen Shewing that Treddle Keefe in the year 1719 obtained a patent for 90 Acres of Land on Chinkapin Creek which is not Cultivated as the Law directs therefore prays a Lapse patent for the same &c

Ordered that a Lapse Patent Issue as prayed for

Read the Petition of William Davis Shewing that sometime agoe Henry Jones took up and patented a tract of Land in Bertie pree^t which is not Cultivated as the Law directs therefore prays a Lapse patent for the same

Ordered That a Patent Issue as prayed for

Read the Petition of John Speirs Shewing that Benjamin Foreman some time agoe obtained a Patent for 640 acres of Land lying on the South side of Morattoek River joyning on Thomas Jarrels land which is not seated and planted as the Law directs praying a Lapse patents may be granted to him for the same &c

Ordered That a Lapse patent Issue as prayed for

Read the Petition of Joseph John Alston Shewing that his father John Alston obtained a patent for 200 & odd Acres of Land lying on Bennet Creek on the North side of the Bridge which is not saved as the Law directs, praying a Lapse patent for the same &c

Ordered That the Patent Issue as prayed for

Read the Petition of Thomas Mackbride Shewing that James Winright obtained a patent for 1300 hundred acres of Land lying in Pasquotank called Newfoundland which is not seated and Planted as the Law directs therefore prays a Lapse for the same &c

Ordered that a Patent Issue as prayed for

Read the Petition of William Brown Shewing that some time agoe — Browne Sen^r took up and patented a tract of Land lying on the old Tree Swamp which is not Cultivated as the Law directs prays a Lapse for the same &c

Ordered That a Patent Issue as prayed for

Read the Petition of Alexander Steel Shewing That Coll W^m Maule some time agoe obtained a patent for 640 Acres of Land lying in Bertie precinct on the West side of Chinkapin Creek Swamp which is not

seated as the Law directs praying a Lapse patent may be granted him for the same and &c

Ordered That a Patent Issue as prayed for

Read the Petition of John Brown shewing That John Thomas obtained a patent for 134 Acres of Land lying in Bertie precinct which is not seated as the Law directs praying a Lapse patent may be granted him for the same &c

Ordered That patent Issue as prayed for

Read the Petition of William Badham Shewing that John Jornagan obtained a patent for a tract of Land in Chowan precinct containing 400 Acres on the ninth of March An Dom 1717 which he hath not seated as the Law directs therefore prays a Lapse patent may be granted him for the same &c

Ordered That a Patent Issue as prayed for

Read the Petition of William Moore Shewing that William Boague obtained a patent for 240 Acres of Land lying in Perquimons precinct which is not seated as the Law directs therefore prays a Lapse patent for the same &c

Ordered that a patent Issue as prayed for

Read the Petition of William Whitfield shewing That John Holmes in December 1720 obtained a Patent for 600 Acres of Land lying at Beverlys on Meherine which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the s^d Land &c

Ordered That a patent be granted as prayed for

Read the Petition of Clement Hammond Shewing Thomas Bray obtained a patent some time agoe for 640 acres of Land lying in Bertie precinct which is not Cultivated as the Law directs therefore prays that a Lapse patent may be granted him for the said Land &c

Ordered That a Patent Issue as prayed for

Whereas the true and absolute Lords Proprietors by their Commission under their hands and great seal of their Province to Christopher Gale Esq^r Chief Justice have Impowered and Directed the Governor & Council to nominate and Choose two Persons of Abel skill in the Law to be assistant to the said Chief Justice who when so appointed are in the said Commission constituted and appointed by the true and absolute Lords proprietors

This Board doth therefore in pursuance and according to the directions of the said Comission unanimously choose and name Adam Cockburne and Edmund Gale Esq^{rs} to be assistants to the said Chief Justice.

Ordered That a General Commission of the Peace do Issue directed to the present Members of the Council and y^e Memb^{rs} of the Council for the time being John Lovick Esq^r Secretary and the Secretary for the time being William Little Esq^r Attorney General and the Attorney General for the time being Thomas Boyd Esq^r Solicitor General and the Solicitor General for the time being John Worley Esq^r John Palin Esq^r Cullen Pollock and William Maule Esq^{rs} and to the Chairman of the several precinct Courts within this Government for the time being

Ordered that a Comission of the peace Issue for the precinct of Chowan directed Edward Moseley William Badham John Alston Henry Bomer John Crisp, ——— Parker Jacob Blount & Thomas Lovick Gent.

Ordered that a Commission of the Peace Issue for Bertie precinct directed to Thomas Pollock Barnaby Mackinne Isaac Hill William Lat-timor John Gray Phillip Watston George Winn & Tho^s Kinchen Gent.

Ordered that a New Comission of the Peace Issue for Perquimons Precinct directed to Thomas Harvey Samuel Phelps Charles Denman Thomas Spite Richard Whitby George Durant Jonathan Evens Gent.

Ordered That a New Comission of the Peace Issue for Pasquotank precinct directed to John Palin David Bailey Robert Lowrey John Fonvell, Mackrora Scarborough, Evan Jones, Will Willson Gabriel Bumam Gent.

Ordered That a Comission of the Peace Issue for Currotuck precinct directed to Joseph Sanderson Thomas Taylor William Williams Robert Peyton William Bell Moses Linton William Luffman Gent

Ordered That a Comission of the Peace Issue for the precinct of Beaufort & Hyde directed to John Porter Patrick Maule James Leigh ——— Slade Richard Harvey Joshua Porter & John Martin Gent.

Ordered that a Comission of the Peace Issue for the precinct of Craven directed to Richard Graves Edward Gatling Thomas Martin, Thomas Masters, John Jacob Miller, & William Willson Gent.

Ordered That a Comission of the Peace Issue for Carteret Precinct directed to John Nelson Richard Russell Enock Ward Richard Whitehurst Ross Bell and Joseph Wicker Gent

Joseph Castleton in pursuant of a sentance passed on him at the General Court last passed appeared before this Board and on his Kees acknowledged that the Seditious and scandalous words by him spoken ag^t the Honble the Governor were utterly false & humbly begg'd pardon for his offence

Upon Complaint of the Meherine Indians setting forth that their Lands were all taken up and Surveyed by the English their Neighbours

and that they were forwarned from off their clear Grounds and forbid to plant Corne thereon

Ordered That Co^{ll} William Maule the late Survey^r General attend this Board at Edenton next General Court and that in the mean while the said Indians have Liberty to plant their Lands as formerly without molestations from any person whatsoever

NORTH CAROLINA—SS.

At a Council held at Edenton the 15th day of April An Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r &c

William Reed	}	Tho ^a Harvey	}	Esq ^r Memb ^r of the Council
Chr Gale		John Blount		
J Lovick		Tho ^a Pollock		
E Moseley		Arth Goffe		
		Robt West		

This Board taking into consideration that there was no ffee appointed for the Governor for signing Patents granted by virtue of the grand Deed

Ordered That Honoble the Governor for the time to come take and receive for every patent granted by virtue of the grand Deed as well Lapse patents as others the sum of Twenty five shillings till the same shall be allowed of by the Lower house of Assembly

Adjourned till to morrow morning

April y^e 16th mett againe

Present as before

The order of Council appointing a Fee to the Gov^r for signing patents being sent to the lower house of Assembly for their allowance was returned this day with following endorsement on the back of it viz^t

The within order being read it is allowed that the Fee of Twenty five Shillings, within mentioned may be taken till the setting of the next Biennial Assembly

By order of the House

R HICKS Cler Dom Comd

Thomas Pollock Esq^r and Mayor Thomas Luton appearing this day pursuant to a former order of this Board to debate the matter contained in the s^d Lutons Petitions referred to the Governor for obtaining Letters Testamentary on the Will of Mrs Esther Pollock de^{cd} and the Council on both sides having fully argued the matter

This Board is unanimously of Opinion that Letters Testamentary cannot be granted on Mrs Esther Pollocks will till the Petitioner doth make it appear that the said Mrs Pollock had Letters Testamentary granted to her on the will of her former husband William Wilkinson in which she was made Execut^r

It is therefore ordered that the s^d Lutons petition be rejected

Squires and Mackey Chief men of the Mattamuskeet Indians appearing before this Board and praying that their Lands at Mattamuskeet may be laid out and a patent granted for the same as to other Tributary Indians in this Governments.

It is Ordered that the Survey^r General or his Deputy do lay out for the Mattamuskeet Indians a tract of Land containing four Miles square if the same may be conveniently done, and to include the settlements they are now seated on but if natural bounds shall happen in the way then to make use of such natural bounds and to compleat the Quantity of Ten Thousand Two hundred and forty acres

The following address from the lower house was presented by Mr Patrick Maule and Richard Graves and ordered that the Consideration thereof be referred till to morrow

Adjourned till to Morrow Morning

April y^e 17th met againe Present as before

Read the aforegoing Address in the following words Viz^t

NORTH CAROLINA—SS.

To the Honoble George Burrington Esq^r Governor and Comānder in Chief of North Carolina and to the Honoble Council

The Address of the Lower house of Assembly of North Carolina

It Appearing to this House that most of the Lands of Albemarle County being already taken up the Growth and encrease of this Government is much obstructed for want of such Instructions concerning the sales of Land in this Government as might be complied with by which means many who have removed hither from foreign parts have been oblidged to return and others are dayly removing to the great weakening of the Government by the loss of so many Inhabitants as well as to the deminution of the Lords proprietors Revenue, wherefore that such an expedient may be found to retain such of the Inhabitants as are designed to remove and to encourage others to settle in this Government untill the Lords proprietors shall be pleased to give Instructions for the sales of Lands as the Inhabitants of this Government can comply with concerning which we intend to address their L^{d^{ps}} and pray your Honours Concurrence.

We humbly propose to your Hon^{rs} that you would be pleased to give such orders and Instructions that persons may enter survey take up and occupy the vacant Lands on the annual payments of such rents as your Hon^{rs} shall think proper untill such time as their Lord^{shs} shall declare after what manner the purchase money shall be paid in this Government after which Declaration so made by the proprietors the Possess^{rs} of such Lands may have a Limited time to accept of their Lordships Terms of Purchase

And this we are humbly of Opinion will be a great means to Retain many of the Inhabitants otherwise designed to remove encourage others to Settle among us and cause a very great addition to their L^{d^{shs}} Revenues

By order of the Lower house

THOMAS SWANN, Speaker

The Governor and Council taking unto Consideration the address of the lower house of Assembly which was presented yesterday and was this day read and several of the Members of the Council representing that sundry person are already seated on the vacant Lands for which purchase money has not been paid nor any rents, and the Governor and Council being unanimously of Opinion that the permitting people to occupy the vacant Lands on the payment of a certian rent untill the Lords proprietors pleasure be further known will not only very much strengthen and encrease the Settlement of this Government but also cause a very great addition to the Lords proprietors annual Revenue

It is ordered That Permission be given for any person or persons to take out warr^t signed by the Governor and Council directed to the surveyor General or his Deputy to lay out Lands in Bath County after the same manner they are usually laid out in Albemarle County To hold and occupy the same on the annual payment of three shilling & hundred Acres untill the Lords proprietors pleasure be further known provided always that unless the Taker up of Lands according to this order do within two years after the survey of the Land enter upon the clearing and Seating thereof in such manner as is provided for the Settling Land in Albemarle County then all and every such Survey shall be Void and ineffectual and such Lands ffree for any person or persons to enter upon and Seat according to the rules hereby declared

And it is further ordered that when the Lords Proprietors shall be please to give direction for the granting Lands in Bath County then all and every such Possessors of Lands so Surveyed who shall have actually paid their rents aforementioned or secured the same to be paid shall have

the preference to take up the same Lands (so possessed and for which the rents shall have been paid or secured to be paid) upon such Terms as their Lord^{ps} shall please to signify for the Granting Lands provided they comply with such Term within one year after notice is given by proclamation

It is also Ordered That the Governor and secretary shall have take and recieve the like ffee for all such Lands so taken up as is appointed for warrant and patents in Albemarle County and that the Surveyor General do make out a Catalogue of all such Lands so taken up and deliver the same to the Lords Prop^{tr} Receiver General that the same may be entered on the rent Roll for which entry It shall be Lawfull for the Reciever General to have and take of each person whose Lands shall be so entered the sum of five shillings

Mr Chief Justice having represented to this Board that it was customary in their Ldps Government of South Carolina for the Reciever General out of their Ldps Revenue to defray the expences of a Dinner on the sessions day of each Gen^l Court

Ordered That Arthur Goffe Esq^r Rece^r Gen^l do pay the sum of fifteen pound to M^r Thomas Parris it being what was expended on a dinner on the sessions day last past and charge the same on his accompt

By Order

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

M^r DUKENFIELD TO THE BISHOP OF LONDON

SCION COLLEGE July 14 1724

May it please your Lordship

Since I am engaged to address the Honble Society on behalf of the Province of North Carolina the being destitute of those blessed & most inestimable privileges & means of Grace that is so conducive to their present comforts & their future Salvation which all the Isles and Provinces around here are so happily furnished with, would be a culpable error in me should I neglect the most Honoble methods of endeavoring to obtain those agreeable helps that is so much wanted & it is most earnestly desired by them Therefore under my apprehension I know of no one that I can more suitably apply to, with the appearance of a necessary success than your Lordship & the more so as she is within the verge of your Lordships Diocese. & I hope will be as immediately under your Lordships protection. Amongst all the Isles & Provinces within your

Diocese. There is not any at this day can be more aptly stiled the little sister that has no Breasts. But as she is now spoken for. I would submissively hope that your Lordship will suffer this to animate your concern, so eminently for her, as may be productive of some ample & valuable provision. How encouraging it must be when so Hon^{ble} a patron appears at the head of so glorious a design as the propagating of the Gospel in that distant part of the world & how happy the prospect of its success when the inhabitants thereof do manifest their longing desires for such a blessing, the last Missionary that was sent was the Rev^d Mr Newnam & he lived but half a year amongst them, but in regard to the Hon^{ble} Society's great favour, they gave the Widow not only the whole years salary being £60 but the assembly gave her £40 out of the public treasury. The Parishes in that Province are exceeding large & yet contain too few people for the Present to afford their Minister a handsome maintenance. Independent from the Hon^{ble} Societys bounty. however I most humbly conceive that if the most noble Society, would be pleased to allow them 3 Mis^{rs} & a salary of £50 per annum each, would be better than allowing so large a sum with one as they have the wont to do. & that £50 together with their allowance established by law being £50 per ann. their money with other considerable advantages they generally have would make a comfortable living & such as with good & frugal management, something might annually be laid up by them & I presume to believe that such 3 being allotted in this manner. viz. one for Bath County another for that part of Albemarle County, being to the westward of little River. & a 3^d for that part lying to the eastward of little River. the Division would be near equal & tho' they resided chiefly in one part of the Division, yet by frequent visiting the rest, they might give abundance of satisfaction & receive large gratuities for such visits & I know they are a people that would do all the good offices that lay in their power & are always ready to assist & encourage a laborious pious & faithful Minister. I need say no more & since the nature of the subject has constrained me to run this length it would be absurd should I attempt to make any apology Especially when I consider that so good and so necessary a work will not be deemed troublesome by your Lordship but to conclude may your Lordship be the happy Instrument of establishing the Glorious Gospel in that remote & dormetary part of the Universe and that it may be truly glorified amongst them shall be the prayer of

Your Lordships most humble & most

obedient Servant

N DUKENFIELD

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the — day of
July Anno Dom 1724

Present

The Honable George Burrington Esq^r Gov^r &c

Chr. Gale	J Blount	} Esq ^{rs} Memb ^{rs} of the Council
J Lovick	M Moore	
E Moseley	A Goffe	

The Governor produced to this Board a L^{re} from the Honable the Gov^r of Verginia relating to the Boundaries Which having been duly considered of It is ordered that the Commission^{rs} (now appointed) for running the lines between the Two Governments do forbear to act therein till their Ldps pleasure be further known

Ordered that the Ex^{rs} of Daniel Richardson late Reciever Gen^l do make out the acco^{ts} of what he hath recieved of the Lords Prop^{rs} moneys and lay them before this Board as soon as they possibly can.

Ordered that Mr Lovick and M^r Moseley be appointed to Examine the Records and make out an abstract of the Lands in order to form a Rent Roll pursuant to the 16th Instruction to Gov^r

Ordered That Mr Chief Justice return a List of the fines &c pursuant to the 17th Instruction to the Gov^r

Adjourned to Tuesday 10 of the Clock.

Tuesday 10 of the Clock

Present

The Honable George Burrington Esq^r Gov^r

W ^m Reed	J Blount	} Esq ^{rs} Memb ^{rs} of the Council
C Gale	Tho ^s Harvey	
J Lovick	M Moore	
E Moseley	Ar Goffe	
F Foster		

The above Orders being read to the Gent. of the Council that were absent yesterday they concurr^d therein

John Trip being recomended to this Board for Provost Marshal of Bath County Ordered that the said John Trip be and he is hereby appointed Provost Marshal for the County of Bath till further order

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 31st day of July Anno Dom 1724

Present

The Honble George Burrington Esq^r Gov^r

W ^m Reed	John Blount	} Esq ^{rs} Memb ^r of the Council
Chris Gale	Tho ^s Harvey	
E Moseley	Tho ^s Pollock	
Rich ^d Sanderson	Arthur Goffe	

This day the Honble the Gov^r was pleased to lay before this Board the Memorial of Roderick Lloyd Esq^r Anne his wife and Margaret Pugh her Daughter presented to the Lords Prop^{rs} of Carolina and by their Ldps order sent unto them by their Secretary with direction to proceed on the Subject matter of the said Memorial according to the prayer of the Memorialists The Gov^r also laid before this Board the petition of the said Memorialists presented by Robert Lloyd their Agent and Attorney directed unto the Honble George Burrington Esq^r Governor and Ordinary in these words viz^t

NORTH CAROLINA—SS.

The Petition of Roderick Lloyd Esq Anne his wife who is the only sister and heir of Charles Eden Esq^r de^{cd} late Gov^r of this Province of City of London in the County of Middlesex in the Kingdom of Great Britain by Robert Lloyd of Edenton of this Province Gent. their Agent & Att^{ys} Humbly sheweth That about Two years since the said Gov^r dyed in North Carolina Seized and possessed of a very considerable Estate both real and personal to the Value of Eight Thousand pounds sterling and upward and whereas one John Lovick of Chowan Preet Esq^r Secretary of the said Province hath possessed himself of the said estate by pretext of a pretended Will made by the said Gov^r w^{ch} your Petitioners have been Informed and have great Cause to Suspect the same hath been procured after some unlawful and Indirect manner and that the same will was not Signed and Executed by the s^d Gov^r after such due manner and form as by Law is required nor doth the same will appear to be Lawfully proved nor hath the said Lovick made or Exhibited any Inventory of the said Estate into the proper office all which actings and doings of the said Lovick in the Premissess as well as the pretended Will procured and obtained as aforesaid are Contrary to Law as your Pet^{rs} have been advised and tend to the great Detriment and prejudice of your Pet^{rs} your petitioners therefore most humbly pray your Hon^r will be pleased to Compell and Oblidge the said Lovick to Exhibit

and bring before your honor a just and true account or Inventory on his Corporal Oath of the said Gov^{rs} Estate & Effects as it stood at the time of his Death and how the same hath been applyed and the particular value thereof in sterling money and that the said Lovick do give sufficient Security to be answerable for the same to your Petit^{rs} pursuant to the Judgem^t & Decree of any of the Courts of Justice in this Province or any of the courts or or proper Authoritys in Great Britain that Justice may be done to your Petit^{rs} and such other persons who are Legally intituled to the said Gov^{rs} Estate & Effects so as the same may be answered and applyed according to the Determination of the Validity of the decēds Will (in case any such shall appear to be) or otherwise that your Pet^r Anne may be permitted to take out L^{res} of administration of the said Governors Estate &c and your Pet^{rs} shall pray &c

ROB^t LLOYD for Petit^{rs}

And the Gov^r declaring in council that he would proceed in the said cause in Council only It is thereof ordered by the Gov^r in Council that the said memorial and directions together with the Letter of Attorney from the Memorialists and the petition presented by Robt Lloyd Agent and attorney of the Memorialists be entred upon record in the Office of the General Court of this Province and the said John Lovick was cited to put in his answer to the said Petition on Monday next

Read the Petition of John Petiver which being considered of Ordered that the Petition^r be referred to the Common Law for his Remedy

Read the Petition of Co^{ll} William Maule Shewing That an Indian man Slave of his was now at King Blounts Towne and there detained from his Master by the Indians

This Board taking the same into Consideration does order that the said King Blount deliver up the said slave according to his articles of Agreement with this Government to the said Co^{ll} Maule otherwise to attend this Board at the next General Court in October to shew cause why he detains the said slave from his said Master

Monday August y^e 3^d The Council met againe Mr Lovick having filled his answer to the Petition of Roderick Lloyd &c according to order It is further ordered That the attorney of the said Roderick Lloyd have a Copy of the said answer and at his instance time to consider thereof untill the Council to be held at October Court.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 24th day of October Anno Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r &^e

J Lovick	Tho ^s Pollock	} Esq ^{rs} Members of the Council
E Moseley	Tho ^s Harvey	
F Foster	Arthur Goffe	

Christopher Gale Esq^r formerly a member of the Council having left this Government the Honoble the Gov^r named William Maule Esq^r in his room who having took and Subscribed the several Oaths by Law enjoyned for Qualification of publick Officers took his place at the Board accordingly

The Question being put whither upon the absence of Christopher Gale Esq^r Chief Justice any other person should be nominated and appointed to that Office and upon the Vote it was carryed in the affirmative

Ordered that a Comission Issue directed to Thomas Pollock Esq^r Cheif Justice Cullen Pollock William Downing of the South shore of Chowan Isaac Hill John Allston and Robert Lloyd Esq^{rs} and that the Commis-sion be drawn in the same form as that to M^r Chief Justice Knight and his associates

Present John Blount Esq^r

The Honoble the Governor informing this Board that he had displaced M^r Henry Clayton Provost Marshall and desired their Opinion of another person named by him for that Office It was objected that M^r Clayton was appointed with the consent of the Council and ought not to be removed without their approbation And the Opinion of the Council was desired by one of the Members on that head which the Gov^r would not suffer, alleadging the right lay in himself alone to displace the Provost Marshall

Ordered that M^r James Winright be appointed Provost Marshall of the County of Albemarle

NORTH CAROLINA—SS.

At a council held at the Council Chamber in Edenton the 28th day of Octo^r Anno Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r &c

J Lovick	Tho ^s Harvey	} Esq ^{rs} Members of the Council
E Moseley	A Goffe	
T Pollock	W Maule	
R West		

The Petition of Major Tho^s Luten being read and & Considered of It is ordered that it lye for a further hearing till to morrow.

Read the Petition of John Royall concerning his Indian Slave named March being detained from him at the Tuscarora Town by King Blount

Ordered that King Blount be Summoned to attend this Board at the next setting of the Council and that he bring with him the said Royalls Servant named March to answer the said Complaint

NORTH CAROLINA—SS.

At a Council held at Edenton the 29th day of October Anno Dom 1724

Present

The Honoble George Burrington Esq^r Gov^r

E Moseley	Rob ^t West	} Esq ^{rs} Members of the Council
J Blount	Arthur Goffe	
Tho ^s Pollock	Will Maule	
Tho ^s Harvey		

Read the Answer of M^r Lovick to the Petition of Roderick Lloyd &c
in hac Verba Viz^t

NORTH CAROLINA—SS.

To the Honoble George Burrington Esq^r Gov^r and ordinary of the said Province.

The Answer of John Lovick Executor of the last Will and Testament of Charles Eden Esq^r late Gov^r of the said Province de^ced to the Petition of Roderick Lloyd and Anne his wife by Robert Lloyd Agent & Attorney for the said Roderick Anne and Margaret Pugh Daughter of the said Anne and Neice of the said Charles Eden Whereas the said Petitioners sometime since together with the said Margaret exhibited a Memorial to the Lords Prop^{rs} against the said John Lovick alledging that he had Illegally Possest himself of the said Governor Eden Estate whereto they pretended Title in the s^d Memorial Insinuating that the said John Lovick had fraudulently obtained the same and that they Suspected the said John Lovick had consealed or stopt their powers and directions to their Agent here concerning the same to which last suggestion the said John Lovick having Examined their said Agent or Kinsman in Council before your Hon^r humbly conceives he hath Sufficiently vindicated himself from any aspersion on that head and hope your Hon^r will be as fully satisfied with the Clearness of his Intentions and the justice of his proceedings in the whole affair when

you have heard his Answer which in Obediance to the Lords Proprietors directions he with great readiness now humbly offers—May it please your Hon^r at so remote a distance as Great Britain these false Insinuations of the Petit^{rs} might more easily be made but it is with very great surprise the said John Lovick finds by their Agent and Attorney here residing they should presume to suggest to your Hon^r and assert ffacts that may so Notoriously and publickly be disproved and which the said Petitioners or their Agent and Attorney here could not be ignorant of, it being set forth in the said Petition that the said John Lovick hath possess himself of the said Governor Eden Estate by pretext of a pretended Will as they Express it procured after some unlawful and Indirect manner and that the said Will was not signed and Executed by the said Gov^r in lawful manner nor is Lawfully proved and that the said John Lovick hath not exhibited any Inventory of the said Estate into the proper Office which Estate was set forth in the said Memorial before mentioned to be worth Three thousand pounds Sterling and here in the said petition to be worth Eight Thousand pounds sterling whereas by the publick records in the proper Offices it plainly and manifestly Appears And the s^d Pet^{rs} might Inform themselves by Copies or otherways what disposition the said Gov^r Eden made of his Estate by his last Will & Testament Signed by his own hand and published by him in y^e presence of a compleat number of Witnesses who signed the same as Evidences, which Will hath been duly proved in the General Court of this Province according to Law and recorded as other Wills are in the proper Office & L^{tes} Test^{ry} have been duly granted to the said John Lovick according to the Custom of the said place and he sworne as Executor thereto and an Inventory on Oath of the said Estate hath duly returned and caused an appraizm^t of the said Estate in Sterling money to be made by appraizors ordered by a Warr^t of appraizment and sworn thereto and the said appraizm^t long since returned unto the usual office and as he conceives hath done what the law requires all which may be seen in the said Offices but for more certainty to your Hon^r he now begs leave to lay the same before your Hon^r and the Council in Justification of himself & to make most manifest and apparient the Lawfulness of his proceedings herein altho the said John Lovick conceiving himself to be General Legatory and being advised that the residue of the said Estate did belong to him after debts and Lagacies paid which he imagined there would be Sufficient to do if no losses had happened he did not think himself obliged to be so very exact and particular in every step relating thereto however since there hath great losses happened on the said Estate by

casualty and since such cavils and pretensions are made as by the Petitioners he thinks himself happy to have proceeded so regularly and methodically as he has done and doubts not in the whole affair it will appear he hath proceeded according to Law as well as Equitably and with good Conscience desiring no other but faithfully to Execute the will of the deceased and perform his Duty as Executor and humbly conceives he hath now given your Hon^r an Instance of his readiness herein and of the sincerity of his Intentions by admitting the Petiti^{rs} procurator or power of Attorney tho he might justly have Questioned the proof of it And the said John Lovick saith as Executor he is ready to answer all Lawful Demands either of the said Petitioners or any others on the said Estate so far as it will Extend and that he shall at all times be ready when any proper petition or suite shall be commenced against him according to the Laws of this colony to give such Caution or Security as shall be Judged sufficient or necessary thereon And Whereas in the said Petition it is set forth that the said Gov^r Edens Estate is worth Eight Thousand pounds Sterling the said Appraizment will certify to your Hon^r that besides the Lands the whole Estate amounted but to the value of five hundred and sixty three pounds Eighteen shilling and sixpence sterling and one hundred and seventy five pounds Boston money where Ex^r for sterling is near Two hundred $\frac{2}{3}$ cent with a parcel of bills and a few Debts of this Colony not reduced to sterling and the said John Lovick is ready and can make it appear that the said Gov^r Eden some little time before his Death upon thoughts of going for England offered for One thousand pounds Sterling in Great Brittain all his Estate in Carolina both real and personal except his plate which by the appraizment appears to be one hundred & ninty six ounces and his Negroe Boy Taphy which by his said Will he gave and Hath been by the said John Lovick the Executor since delivered to the said Gov^r very good Freind John Holloway Esq^r in Verginia and the said John Lovick further Saith that altho he hath proved the said Will as aforesaid in the General Court as is usual and by the Laws of the said Colony he might do and the probate being there recorded he conceives leaves no Room or Coulor for any imputation which the said Petition^{rs} might hove suggested had the same been in the Secretarys Office (he being Secretary yet for that the said petitioners are unsatsfied with the probate of the said Will and Question the Validity thereof, the said John Lovick is Willing and now prays that the same may be proved in Council before your Hon^r and that he may be permitted to bring the Testamony of several Creditable persons to declare by Interogaties on oath what they know of Gov^r Eden

s^d Will and his ability then to make such dispositions of his Estate and the declarations he at any time made with the true Intent and meaning thereof in the presence of the said Petitioners or their Agents or attorneys that they may have opportunity then and there to make what Interrogatories or objections they can or may have so that the matter being fully Examined and heard the very right Justice and Equity thereof and the Lawfulness of his proceedings may publickly and Evidently appear before your Hon^r and the Council to whom the s^d John Lovick humbly submits himself and this his answer

J LOVICK

Whereupon the Petitioners put in the following writing

NORTH CAROLINA—ss.

To the Honoble George Burrington Esq^r Governor and Ordinary &c and the aforesaid Petitioners by Thomas Boyd their attorney by protestation sayeth that the answer of the aforesaid John Lovick to the petition aforesaid exhibited in argumentative imperfect and evasive and not full and perfect and direct as it ought to be wherefore your said Petitioners most humbly pray that the said John Lovick may be Compelled by your Hon^r forthwith to make a more perfect and direct answer hereunto as also to give such Security as in the said Petition they have prayed &c Tho^s Boyd for Petitioners—And then the said M^r Lovick put in the following writing Viz^t and the Def^t Sayth that in his answer he prays leave before the Gov^r & Council per Tests to prove the said will on Intereogations and now have produced their Testamonies to prove the same without which his answer is not Compleated & gone thro' with and then is ready to support his answer aforesaid and to give any security that shall be thought proper Will Little for y^e Def^t—The Governor declared that he would recieve a further proof of the said will when the said M^r Lovick should produce his witnesses before him as Ordinary then the Petitioners Agent being asked whither he had a Copy of the Inventory of the said Governor Edens Estate from the Secretarys Office he acknowledged he had and as to the Demand made before the Gov^r as Ordinary for Security to be Given by the said M^r Lovick the Gov^r Declared his Opinion that in that Capacity he had no power to Compell the s^d M^r Lovick to give such security as is demanded.

Adjourned to the 31st of Octo^r

Octo^r 31st met again present *ut Supra*

It having been represented to this board that great Numbers of people coming from other parts to settle in this Government do by pre-

tence of an old act Intituled ——— Screen themselves from the Levys laid on all Tithable persons in this Government which being duly considered of, this Board is of Opinion that the aforesaid act is become Obsolete and that the Marshall who collects the Levys Ought to have no regard thereto

Ordered that a new Commission of the Peace Issue for Bertie precinct directed to W^m Maule Esq^r M^r George Pollock Banna Mackinne Will Lattimor George Winn John Holbrook James Castlebow Edward Howard John Dew James Boon & Nath^l Hill

Ordered That a New Commission of the Peace Issue for pasquotank precinct directed to the old members and Mr Judge & Rob^t Morgan

Ordered that a commission of the Peace Issue for Curatuck prec^t and that Richard Church and Foster Jervis be added with the old members

Co^{ll} Tho^s Swann M^r Thomas Lowther M^r Mackrora Scarborough & M^r Griffin Jones having Informed this Board in writing of sundry abusive and Scandalous Expressions used by William Reed and John Norton concerning the Honoble the Governor whereupon this Board having appointed Saturday 7th November next for hearing the same It is Ordered that William Reed Esq^r & John Norton be Summoned to attend the Gov^r and Council at Edenton the time aforementioned and that the said Co^{ll} Swann Mack^e Scarborough Tho^s Lowther and Griffen Jones or any other person do attend as evidences

Read the Petition of Aaron Odam Shewing that John King de^{ce}d took up and patented some time agoe a Tract of Land in Chowan precinct which is not seated and planted thereon as the Law directs praying a Lapse patent may be granted him for the same &c

Ordered that a Lapse patent Issue as prayed for

Read the Petition of Henry Lysle shewing that his father sometime agoe obtained a patent for 274 Acres of Land lying on Cow hill which is become Lapsable for not being Cultivated as the Law directs

Ordered that a Lapse patent be granted him for the same

Read the Petition of Ambrose Aires Shewing That sometime agoe Thomas West took up and patented a tract of Land lying at Wills Quarter And that David Sturdes obtained a patent for a Tract of Land lying on Geeshall on Cashy and two other Tracts of Land was patented by Lawrence Sanson one tract lying on Gum Swamp and the other at Wills Quarter all which Tracts of Land is not Cultivated as the Law directs Therefore prayes a Lapse patent may be granted him for each of the said Tracts &c

Ordered That patents Issue according to y^e prayer of y^e Pet^r

Read the Petition of Thomas Bonner of Beaufort precinct in Co^m Bath shewing That Whereas your Petiti^r hath been at a Considerable Charge & Expences in settling a plantation on a certain Tract of Land in Bear River on w^{ch} he entered near Three years agoe and on which Land he hath continued occupying the same ever since. An entry of which he made at the time of his seating the same with one (Viz^t M^r Patrick Maule) of the then Survey^r Gen^{ls} Deputies yet (this notwithstanding) the aforesaid M^r Patrick Maule Deputy Survey^r hath a few days agoe Surveyed a Tract of Land for one Alexander Straughan running within the Pet^{rs} bounds and comes very near his house &c praying to be relieved of the premisses &c

It is Considered of and Ordered That if it appear that the said Bonner be the first seater or first entered the said Land that he have the right thereto so that the s^d Survey shall not exceed Six hundred and forty Acres of Land

The Honoble the Gov^r declaring to this Board his intentions of going within these few days to the Southern parts of this Government and from thence he thinks he shall make a Voyage to Charles Towne in South Carolina for the service of the Lords Prop^{rs} and Nominating Edward Moseley Esq^r to Preside in Council and to transact the publick business of the Government during his absence The Council Concured therewith and the said Edward Moseley took the Oaths as by Law appointed for his Qualification for that Office

By Order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the seventh day of November Anno Domini 1724

Present

The Honoble George Burrington Esq^r Gov^r &c

J Lovick	Robt West	} Esq ^{rs} Members of the Council
E Moseley	Arthur Goffe	
T Pollock	Maurice Moore	
John Blount	Will Maule	
Tho ^s Harvey		

John Norton being Examined upon Oath declares as follows That sometime in September last as this Examinant Remembers he had dis-

couse with Co^{ll} William Reed and amongst other things the said Reed asked David Lindsey whether he had ever heard that the Governor was in prison before he came out of England and this Exam^t answered he had not; the said Reed told him that he had heard the Governor was in Prison for Beating and abusing an old woman and that the Governor had not come if it had not been for my Lord Carteret and the rest of the Lords allowed he should come, but took away his Priviledge.

JOHN NORTON.

Mr. Griffin Jones and M Scarborough made oath that the Informations made by them delivered this Board agst Co^{ll} Reed are true to the best of their knowledge

John Pendleton being Examined and sworn saith That about the latter end of September last he was at the house of Co^{ll} Will^m Reeds with M^r Swann and he saw M^r Swann offer an order from the Gov^r to the said Reed which he refused and said he did not value the Gov^r orders and M^r Swann told him the said Reed that he would not carry the said Order away and then laid it upon the Table upon which the s^d Reed answered he need not leave it for let it be the Gov^rs order or whose it would he would wipe his Arse with it and this Exam^t remembers further that M^r Swann called the said Reed by the Title of M^r Reed, the said Reed replied he was not M^r Reed, he scorned that Title, for he was President Reed and this Exam^t says he heard no provoking Language from the said Mr Swann at that time to the said Reed

JOHN PENDLETON

Ordered That a new Citation Issue for Coll Reed to appear next Council and if the Council should happen before the usual time to meet That he have notice thereof

Thomas Boyd Esq^r is appointed Attorney Gen^l in the room of M^r Little who has resigned his Office.

William Maule Esq^r is appointed Judge of the admiralty in the room of Edward Moseley Esq who hath resigned the said office

By order

J LOVICK Secty

[FROM GENERAL COURT RECORDS.]

NORTH CAROLINA—SS.

Att a Generall Court of Oyer & Terminer & Gaol Delivery held at the Courthouse in Edenton begun on Tuesday the thirty first day of

March Anno Dni one thousand seven hundred & twenty four and continued by severall adjournments to the fourth day of Aprill following

Present

Christopher Gale Esq Cheif Justice

John Worley	} Esq ^s Assistants
Adam Cockburne	
Barnaby MacKinney	

The following persons were impannelled and sworn on the Grand Jury viz ^l	}	M ^r David Bailey	}	M ^r James Castellaw
Collo William Maule		M ^r Jacob Miller		M ^r Thomas Hoskins
Cap ^t John Alston		M ^r Thomas Norcomb		M ^r James Morgan
M ^r Thomas Lovick		M ^r William Bonner		M ^r William Gray
M ^r Robert Hicks		M ^r Cornelius Harnett		M ^r Jeremiah Vaile
M ^r Griffith Jones		M ^r Thomas Bartlett		
M ^r Arthur Mabson				

Who being charged with things proper for their Enquiry by the Cheif Justice withdrew and consider^d the severall matters given them in Charge and on their returne made presentment of the following Bills viz^l

A Bill of Indictment against John Johnston for Felony.

A Bill of Indictment against Robert Atkins for obstructing and contemning the Authority of this Government

A Bill of Indictment against Joseph Castleton for publishing and declaring seditious words and speeches

A Bill of Indictment against Mary Cotton for felony

A Bill of Indictment against Mary Cotton for Misdemeanor

And then the Grand Jury was discharged from further service at this Court

William Little Esq^r his Majestys Attorney Generall comes to prosecute the Bill of Indictment found by the Grand Jury against John Johnston for felony in these Words viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Christopher Gale Esq Cheif Justice and to the rest of the Justices for holding the Generall Court of this Province.

The Jurors for our Sovereign Lord the King upon their Oath do that John Johnston late of Edenton in Chowan p^rinct in the County of Albemarle and province aforesaid Barber on the twenty third day of November in the year of our Lord one thousand seven hundred and twenty three in the tenth year of the Reigne of our Sovereign Lord King George by force and armes &c in Edenton aforesaid two payr of Gold shirt Buttons of the value of twenty shillings and two white Holland

shirts of the value of forty shillings being the proper goods and Chattels of Thomas Cook of Edenton aforesaid then & there being he the said John then & there feloniously took carried away & stole contrary to the peace of our said Lord the King that now is his Crown & dignity &c.

And Henry Clayton Esq^r Provost Marshall having made return that the said John Johnston was by him received into close custody on the twenty fourth day of November last but on the twenty sixth day of the said month the said prison^r broke out of Custody and fledd and altho' pursued according to Law could not be taken again but hath made his Escape. And being now Solemnly required to render himself at this Barr came not but made default

Whereupon it was Consider^d that a Capias do issue directed to the said provost Marshall requiring him to take the said John Johnston if to be found within this Government (and if not) that he cause Proclama^{ti}on to be made at the next Court to be held for Pasquotank p^cinct (being the place of the said Johnstons residence) for him to render himself on or before the third day of the next Generall Court. Otherwise that process of Outlawry will be adjudged against him as the Law directs.

William Little Esq^r his Majestys Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against Robert Atkins for obstructing and contemning the Authority of this Government in these words viz^l

NORTH CAROLINA—ss.

To the Hon^{ble} Christopher Gale Esq^r Cheif Justice & to the rest of the Justices of the Generall Court &c.

The Jurors for our Sovereign Lord the King on their Oath present that Robert Atkins of Carteret p^cinct in the County of Bath in the province aforesaid planter maliciously intending to move sedition and to obstruct and contemn the lawfull authority of this Government Viz^l in the Parish of St^t John's in the p^cinct of Carteret & County of Bath aforesaid on the eleventh day of february one thousand seven hundred & twenty three John Simpson Constable of the said parish by virtue of a lawfull warrant to him directed by Joseph Bell Esq^r; one of his Majesty's Justices of the said p^cinct the said Robert Atkins according to Law apprehending he the Said Robert then & there did resist and utterly refuse to yield obedience thereto and did publicly then & there seditiously and contemptuously say the said Joseph Bell (the aforesaid Justice meaning) had nothing to do to grant a warrant for him and that

the Authority (the Authority of this Government meaning) was good for nothing. And further scurrilously & in Contempt did say the Authority (the Authority of this Government again meaning) might kiss his Arse and that he (the said Constable) might kiss his own Arse and he the said Robert then & there by force & Armes with the assistance of his Servants & doggs with sticks staves & weapons the aforesaid John then & there in the Execution of his office being, violently & seditiously did assault and drove away and utterly obstructed and resisted. And that thereupon the said John Simpson complaining of the assault and contempt aforesaid to the Hon^{ble} Christopher Gale Esq: Cheif Justice of this province who by his warrant required the said John the Constable aforesaid with such aid as he thought necessary to apprehend the said Robert Atkins the aforesaid assault & contempt of Authority aforesaid to answer & in pursuance thereof he the said Constable the aforesaid Robert Atkins apprehending viz^l in the parish aforesaid on the fourteenth day of the said Month of February He the said Robert Atkins maliciously and in utter defiance of the Authority of this Government did take his gun and present the same at the said Constable & his aid these following threatning words & speeches seditiously then & there uttering. Stand off at your perrill or else by God I will shoot you (the said Constable & his Ayd meaning) and again Go farther off or by God I will blow your Brains out (then again the said Constable & his aid then & there in the Execution of their office meaning) opprobiously calling the said & his aid Rogues & doggs with divers other threats & menaces and utterly resisted the said Constable and him violently & seditiously in the Execution of his office did obstruct & hinder by force & Armes to the great contempt of the Authority of this Government manifest danger of raising sedition & contention & subverting the good and wholesome Laws and Constitution against the peace of our Lord the King that now is his Crown & dignity & Contrary to the form of the Laws & statutes in such case provided &c.

To which Indictment the said Robert Atkins pleaded not Guilty but being called to the Barr a second time in Order for his tryall he prayed leave to withdraw his plea which being granted he then pleaded Guilty and humbly moved the Court for Mercy: Whereupon it was Consider^d and adjudg^d that he pay a fine of forty pounds & further that he give good & Sufficient security in the sum of one hundred pounds that he be of the Peace & good behaviour for twelve months & one day and pay costs, and that he stand committed till this Sentence is performed

William Little Esq: his Majesty's Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against Joseph Castleton for publishing and declaring seditious words & speeches &c in these words Viz^l

NORTH CAROLINA—ss.

To the Hon^{ble} Christopher Gale Esq^r Cheif Justice & the rest of the Justices for holding the Generall Court of the said province

The Jurors for our Sovereign Lord the King upon their Oath do present that on the fifteenth day of February in the year of our Lord one thousand seven hundred and twenty three Joseph Castleton late of Edenton in the County of Albemarle in the province aforesaid Labourer maliciously intending and imagining George Burrington Esq: then Govern^r Comander in Cheif & Admirall of the said province into the hatred & disesteem of his Majesty's good subjects Inhabitants of this province to bring and his Just Administra^{tion} & good Government to contemn & obstruct evilly intending to move sedition & discord and subvert the good Order Peace & Government of this province at Edenton aforesaid he the said Joseph Castleton did maliciously and contemptuously speak publish & declare these false scandalous & seditious words and speeches following Viz^l The Govern^r (the aforesaid George Burrington Esq^r meaning) is a dam^d Rogue & a villian and that there was not a worse Rogue & villian in the world; And that there was a man come to him (meaning to him the aforesaid George Burrington Esq: Govern^r) for Justice and he beat him & made him kneel down on his knees & begg his life and that when he (himself the said Joseph Castleton meaning) gott home he would write to all the proprieto^{rs} (the true & absolute Lords Proprieto^{rs} of Carolina meaning) and acquaint them what a Rogue the Govern^r was (the aforesaid George Burrington Esq^r Govern^r meaning) to the great scandal & defama^{tion} of him the said George Burrington Esq: Govern^r &c & to the weakning & obstructing his Administra^{tion} & the good Government of this province & moving Jealousys tumult & sedition within the same to the great & manifest danger of subverting the Laws & constitution of this Government against the Peace of our Sovereign Lord the King that now is his Crown & Dignity &c. & contrary to the form of the Laws & Statutes in that case made & provided &c.

To which Indictment the said Joseph Castleton pleaded not Guilty but being called to the Barr a second time in Order for his Tryall he prayed leave to withdraw his plea which being granted he then pleaded (Guilty) and Humbly moved the Court for mercy. And the said Joseph Castleton

not having visible effects whereon to levy a fine answerable to the demeritt of his crime. It is therefore Consider^d and Adjudg^d that he stand in the pillory on the publick parade at Edenton upon Thursday the ninth day of this Instant Aprill from the hours of twelve to two of the clock in the afternoon and that he on his knees begg pardon of the said George Burrington Esq: Govern^r &c in Councill the same day and also give Bond & Security in the sum of fifty pounds to be of the Peace & good behaviour till the next Court & pay all costs and that he stand committed till the said sentence is performed.

William Little Esq his Majesty's Attorney Generall come to prosecute a Bill of Indictment found by the Grand Jury against Mary Cotton for felony in these words viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice & to the rest of the Justices for holding the Generall Court of this province.

The Jurors for our Sovereign Lord the King on their oath do present that Mary Cotton late of Bath Town in the County of Bath in the province of North Carolina aforesaid Spinster on the twentieth day of November in the year of our Lord one thousand seven hundred and twenty three and in the tenth year of the Reign of our Sovereign Lord King George by force & armes &c at Bath Town aforesaid one certain white cotton & linen sheet of the value of ten shill^s belonging to Roger Kenyon of Bath Town aforesaid did then & there take & feloniously carry away and afterwards viz^t on the twenty seventh day of the said Month of November at Bath Town aforesaid one other white cotton & Linen sheet of the goods & chattels of the said Roger Kenyon & of the value of ten shillings & two linen shirts one window curtain & a chest of drawers cloth of white homespun damask all of the value of forty shill^s she the said Mary then & there feloniously took & carryed away And afterwards viz^t on the twentieth day of December following one three pounds Bill one of the publick Bills of Credit of this province belonging to the said Roger Kenyon she the aforesaid Mary at Bath Town aforesaid then & there being did feloniously take steal & carry away & afterwards viz^l on the twenty fifth day of the said Month of December at Bath Town aforesaid one five pounds Bill one of the publick Bills of Credit of this province to the aforesaid Roger Kenyon belonging then & there being she the said Mary did take steal and carry away contrary to the peace of our said Lord the King that now is his crown & dignity &c.

Upon which Indictment the said Mary Cotton was arraigned and upon her arraignment pleaded (Not Guilty) and for tryall thereof put herself upon God & the Country. Whereupon the Marshall was comanded to cause to come twelve &° by whom &° who to neither &° and there came

Viz ^t Samuel Pagett	}	{	Thomas Mathews
John Grey			Thomas Luton Jun ^r
Timothy Truelove			Edward Wingate
Henderson Luton			Thomas Cooke
Joshua Callaway			John Early &
Ross Bell			Francis Branch

Who being impannelled and sworn say we of the Jury do find the prisoner at the Barr Guilty of petty Larceny Goods to the value of ten pence.

Then the said Mary Cotton being ask^d if she had anything to say why sentence should not pass against her as the Law in that case hath provided and she offering nothing in avoydance thereof: It is therefore Consider^d and Adjudg^d that she the said Mary at the whipping post shall receive thirty one lashes on her bare back & that she give good security in the sum of one hundred pounds sterling for her good behaviour to all his Majestys leige people for twelve months & one day and also that she pay all fees & costs accruing by reason of her prosecution and if she does not give such security and pay the said fees within one month after the adjournment of this Court that then she shall be sold by the provost Marshall to any person the highest bidder who will give security to transport her out of this Governm^t and that she stand committed till the said sentence is performed.

On the petition of Elizabeth Langford Eleanor Clarke Edward Harrington & Martha Morris praying to be allowed for their attendance &° as Evidences for our Sovereign Lord the King against the aforesaid Mary Cotton. Orderd that they be paid by the said Mary Cotton for three days attendance at half a crown [℥] day for four days travelling at twenty pence [℥] day and ten shill^s ferrying each in all twenty four shill^s & two pence each alias E^{xon}

On the petition of Thomas Cook praying that he may have his goods restored which were feloniously taken from him by John Johnston aforesaid who is returned fledd &° It is Order^d that a Writt de bonis restitendis do issue directed to the provost Marshall thereby comanding him to restore to the said petitioner his goods aforementioned

And now here at this day came the aforesaid Thomas Mathews and produced his acco^t against the said John Sale and also Cap^t Henry Bonner late Churchwarden produced his acco^t of disbursements likewise which

acco^t being too tedious for the Court to audit. It is Order^d that the said Mathews adjust his acco^t before the cheif Justice with all Convenient speed & pay the said Churchwarden^s acco^t with Costs if sufficient in his hands

John Solley Esq being ordered to be summoned to this Court to shew cause (if any he has) why the Examina^on of John Burton & Thomas Williamson together with their Recognizances were not return^d to the last Court accordingly made his appearance & declared that soon after he took the said Examina^ons and Recognizances he departed this Government but before he went he either sent them by some person that neglected to deliver into the office or else he hath mislaid them amongst his own papers: It is therefore Order^d that the said John Solley do give his attendance and also produce the said Examina^ons and Recognizances at the next Court on the last Tuesday in July next on the third day of the said Court

George Skipper being bound by Recognizance to appear &c at this Court being solemnly required came not Whereupon William Sadler who was bound for his appearance came to this Barr and prayed that the said Recognizance might be continued & day given till the next Court for his appearance which was granted.

William Charlton Jun^r being bound by Recognizance to appear &c at this Court accordingly made his appearance and was dismist without day paying Costs

John Charlton being bound by Recognizance to appear at this Court accordingly made his appearance and is dismist without day paying Costs.

Whereas severall Counterfeit Bills were lodged with the Clerk of this Court by Order of the Gen^l Assembly that the Attorney Gen^l might make prosecution thereon but no informa^on appearing or sufficient Evidence for any prosecution It is Order^d by the Court here that they still remain lodg^d in the Clerks office till some Informa^on or Evidence appear or Order of Generall Assembly be made relating thereto.

Henry Baker by Edward Moseley his Attorney comes to prosecute a Complaint against Coll^o William Maule for keeping ferry at or near the same place where the said Baker was by the Court of Chowan precinct Order^d to keep ferry over the said River of Chowan which order was afterwards confirmed by this Court &c. And the said William Maule appear^d and the arguements on both sides being heard & duly consider^d It is Order^d that the said Complaint be referred to the next Generall Assembly.

On the Petition of Sarah Sutton widow relict of George Sutton of perquimons p^{re}inct deceased praying this Court to appoynt indifferent persons to make division of the personall Estate of her said Husband as the Law in that case made directs Order^d that Charles Denman Richard Ratcliff. Rich^d Skinner and Jonathan Phelps who were appoynted appraisors or any three of them do make division of the said Estate according to the prayer of the petitioner and as the Law in that case made directs

On the petition of Nathaniel Sutton (on the behalf of the heirs of George Sutton late of perquimans p^{re}ct^d dec^d who dyed intestate) praying this Court to appoynt indifferent persons to divide the same as the law directs. Order^d that Charles Denman Richard Ratcliff Richard Skinner & Jonathan phelps who were appointed appraisors of the said Estate or any three of them do make division of the same according to the prayer of the peto^r as the Law directs.

On the petition of Richard Whidbee Extōr of the last Will & Testament of Joseph Sutton of perquimans p^{re}ct^d deceased setting forth that the said Joseph by his last will and testament did bequeath & dispose of part of his Estate & desired that the remaining part might be equally divided among his children and praying this Court to appoynt some persons to make an equall division of the same which was granted and Order^d that Richard Ratcliff Sam^l Charles Samuel Nichols & Joshua Toms or any three of them do make division of the said Estate according to the will of the deceased & as the Law in that case directs.

Robert Kingham comitted on suspicion of having murder^d and feloniously killed one George Kennard late of Bertie precinct on or about the tenth day of March last was Brought to the Barr but sufficient Evidences to prove the same being wanting also pregnant circumstances appear^d to the Court here that he is guilty of the same: It is Consider^d that he remain in custody of the Marshall till the next Court for further Evidence to be produced against him.

Philander a Negro appearing at this Barr complaining that he is held as a slave by Thomas Harding Executo^r of Thomas Sparrow deceased altho' he was freed by the said Sparrow in his lifetime and that all the practising Attorneys of this Court are retained by the said Harding and he the said Philander utterly ignorant of the Law or means of redress prays that he may have Councill assigned him Whereupon it is Order^d by this Court that M^r William Little be Councill for the said Philander and that he assist him as an Attorney in this Case. And thereupon M^r William Little exhibitted in Court the complaint of the said Philander against the said Thomas Harding Extōr as aforesaid in these words viz¹

Philip Laneer alias Philander a negro man humbly complains to this Court against Thomas Harding Executo^r to the last will and Testament of Thomas Sparrow late of this province deceased for that the said Philip Lander alias Philander being once in servitude and held as slave by the said Thomas Sparrow was by him freed as by an Instrument under the hand of the said Thomas Sparrow and before Evidence Yet he the said Thomas Harding Executo^r as aforesaid doth hold the said Negro as a slave & him hath detained & still doth detain in Servitude altho' his freedom & the priviledge of a freed man he ought to have & enjoy and thereupon he makes sute to this Court that by consideration of the said Court he may be judged and declared free accordingly

Whereupon Thomas Boyd appeared on behalf of Thomas Harding Ex^{tor} of the last will & Testament of the said Thomas Sparrow deceased and prayed time till the next Court to make answer to the aforesaid Complaint Which was granted. And it is further Order^d that the said Philander be & remaine in the hands & keeping of the Provost Marshall Gen^l till the next Court; and to be then produced and forthcoming

Information being made to this Court by William Daniel of Bertie precinct that John Jones Joseph Jones John Jornagan John Spier James Moore & William Reed all of Bertie Precinct planters did sell & retail strong Liquors in their Houses without lycence and contrary to Law praying that process might be made out requiring them to appear at the next Court to make answer to the said information Which was granted: and thereupon the said William Daniell became bound by severall Recognizances in the sum of twenty pounds each to prosecute each of the said persons inform^d against as aforesaid.

And then the Court adjourn^d

By order of the Cheif Justice &
his Assistants.

C. GALE C. J.

W. BADHAM Cl^k.

NORTH CAROLINA—SS.

Att a Generall Court of Oyer & Terminer and Gaol delivery held at the Courthouse in Edenton begun on Tuesday the the twenty eighth day of July one thousand seven hundred and twenty four and continued by severall adjournments to the fourth day of August following,

Present

The Hono^{ble} Christopher Gale Esq Cheif Justice

The Commission from the Lords Proprieto^{rs} to the Cheif Justice was read and also an Order of Councill appoynting Adam Cockburne & Edmund Gale Esq^s to be Assistants to the said Cheif Justice in these words following viz^l

NORTH CAROLINA—SS.

At a Councill held at Edenton the ninth day of Aprill Anno Dⁿⁱ one thousand seven hundred & twenty four.

Present

The Hono^{ble} George Burrington Esq: Governo^r &c.

Christopher Gale	}	{	John Blount	}	Esq ^s Members of the Council
John Lovick			Thomas Pollock		
Edward Moseley			Thomas Harvey		
Francis Foster			Arthur Goffe		

Whereas the true & absolute Lords Proprietors by their Commission under their hands and Great Seale of their Province to Christopher Gale Esq: Cheif Justice have empower^d & directed the Governo^r and Councill to nominate & choose two persons of able skill in the Law to be assistant to the said Cheif Justice who when so appoynted are in the said Commission constituted and appoynted by the true & absolute Lords Proprietors This Board doth therefore in pursuance and according to the said Directions of the said Commission unanimously choose & name Adam Cockburne & Edmund Gale Esq^s to be Assistants to the said Cheif Justice.

Signed

J. LOVICK Secry.

Whereupon the said Adam Cockburne & Edmund Gale took and subscribed the Oaths & Declaracōn by Law appoynted for their Qualification, and the Oath in the Act entituled An Act to Provide indifferent Jurymen in all Causes Civill & Criminall, and likewise the oath for the due Execution of their Office and then took their places accordingly.

Present

Adam Cockburn	}	Esq ^s Assistants.
Edmund Gale		

The following persons were impannelled and sworne upon the Grand Jury viz^t

{	Cap ^t John Palin	{	William Howett
	James Winright		Isaac Hill
	Samuel Phelps		James Castellaw
	Rich ^d Whidbee		Thomas Lovick
	Jon ^a Evans		Thomas Parris
{	James Macdaniell	{	
	David Bailey		
	Thomas Lowther		
	Nathaniel Hall		
	John Worley Jun ^r		
	Francis Branch		
	John Norcomb		

Who being charged with things proper for their Inquiry withdrew and consider^d the severall matters given them in charge and on their returne made presentment of the following Bill of Indictment against Robert Kingham for the Murther of George Kennard

And then the Grand Jury was discharged from further service this Court.

William Little Esq: his Majesty's Attorney Generall comes to prosecute the Bill of Indictment found by the Grand Jury ag^t Robert Kingham for the Murther of George Kennard in these words viz^l

NORTH CAROLINA—SS.

To the Hon^{ble} Christopher Gale Esq: Cheif Justice & the Assistant Judges of the Gen^l Court for the said Province.

The Jurors for our Sovereign Lord the King on their Oaths do present that Robert Kingham of the Bertie Precinct not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil on or about the tenth day of March in the year of our Lord one thousand seven hundred & twenty three in the said precinct of Bertie by force & Armes in and upon one George Kennard in the Peace of God and our Lord the King then & there being an Assault did make and the aforesaid Robert Kingham with an Axe of the value of one shilling which the said Robert in his hands then & there had & held feloniously willfully & of malice forethought the aforesaid George Kennard in Bertie Precinct aforesaid struck & wounded & then & there the said Robert to the aforesaid George feloniously & of malice forthought did give a mortall wound in the head of the breadth of two inches & depth of one inch whereof the said George did languish & soon after viz^l on the fifteenth day of the said Month did dye in the place aforesaid so the aforesaid Jurors on their Oath aforesaid do say that the said Robert on the day aforesaid in the said place the said George Kennard in manner & form aforesaid of Malice forethought feloniously & willfully did kill & murther contrary to the Peace of our Lord the King his Crown & dignity &c.

Upon which Indictment the said Robert Kingham was arraigned and upon his Arraignment pleaded (Not Guilty) and for tryall thereof putt himself upon God & his Country :

Whereupon the Marshall was comāded to cause to come twelve &c by whom &c who to neither &c and there come viz^l

James Williamson	}	Thomas Holloway
Edw ^d patchett		Robert Wallis
John Adderley		John Davenport
Edward Weston		William Fryley
Jonathan Bateman		John Harloe
William Sadler		Joshua Turner

Who being impannelled and sworn &c Say wee of the Jury find the said Robert Kingham (Not Guilty)

Whereupon he was order^d to be discharged paying the fees accruing by this Prosecution.

A Bill of Indictment having been presented to the Grand Jury aforesaid against William Carman for the murther of Timothy Lane and being return^d to the Court here (Ignoramus) he is thereupon discharged by proclamation and may go hence without day paying Costs.

And now here at this day (viz^l &c) the said John Johnston being solemnly required to surrender himself and answer to the Bill of Indictment aforesaid found ag^t him came not: And the Marshall having made return that proclamacon was made at the last Court held for pasquotank precinct as before he was required. It is therefore Order^d that further process do issue requiring him to appear &c at the next Court.

And now here at this day (viz^l &c) the said John Solley having produced the aforesaid Recognizances and filed the same he is dismist without day paying Costs

Edward Wingate being bound by Recognizance to appear &c at this Court accordingly made his appearance and no body coming to prosecute he was by proclamation discharg^d paying fees

Order^d that the Goods which were found in the said Wingate's house now in the hands of the Provost Marshall be deliver^d to the proper Owners.

And now here at this day (viz^l &c) the said George Skipper bound by Recognizance continued from last Court was discharged no body appearing to prosecute or give Evidence against him.

Luke White being brought to this Barr concerning a Counterfeit Bill by him utter^d in payment on or about the sixth day of July last and upon Examinacon declared he beleived that he reed. the said Bill now to him produced of William Holliday for he says that he reed. two seven shill^s & six pence Bills of him about that time and further declared that he could neither write nor read. It is therefore Order^d that he be dismist without day paying Costs. And it is further Order^d that a Warrant do issue to apprehend the said William Holliday (if to be found) to be examined concerning the premises and to be dealt withall as the Law directs.

On the petition of M^r John Grey Forster Mason & Ralph Mason praying to be allowed for their attend^a &c as Evidences for our Sovereign Lord the King against Robert Kingham; Order^d that they be paid by the said Robert Kingham for six days attendance six days travelling &

ferrys ten shill^s Each in all twenty five shill^s each person with Costs alias Execution

And now here at this day the said Philip Laneer alias Philander by his Attorney aforesaid to prosecute the said Complaint and the aforesaid Thomas Harding therein failed but this Court being inform^d that the said Negro before his being freed by the aforesaid Thomas Sparrow as sett forth in the afores^d Complaint was by Deeds now recorded in Maryland made over by the said Sparrow and assigned: And it is also suggested that at the time of making the said Deed of freedom the said Sparrow was indebted great sums of Money so that the Creditors might be thereof defrauded It is therefore Order^d that the said philander be hired to any person that will be security for his appearance at the next Court that any person pretending claim to the said negro may then appear to sett it forth: And thereupon M^r Thomas Reston appeared & offer^d to pay for his service till the conclusion of the next Generall Court five pounds and also became bound to the Cheif Justice his Assistants their Heirs & successors for his appearance &° (Casualty excepted) in the sum of one hundred pounds was was alowed by the Court

And now here at this day (viz^t &°) came the aforesaid William Daniell to prosecute the aforesaid John Jones, Joseph Jones John Jornagen John Spier James Moore & William Reed but the Evidences not appearing to filed the Bills of Indictment against them Order^d that summons do issue out for such Evidences as the said William Daniell or the Attorney Gen^l shall require to be at the next Court to give Evidence and that the severall persons inform^d against be sumon^d then & there to appear till which time the aforesaid Recognizances are continued

And then the Court Adjourned }
By Order of the Cheif Justice &
his Assistants }

C. GALE, C. J.

W. BADHAM Clerk

NORTH CAROLINA—SS.

At a Gener^l Court of Oyer & Terminer & Gaol delivery held at the Courthouse at Edenton begun on Tuesday the twenty seventh day of October one thousand seven hundred and twenty four and continued by severall adjournments to the third day of November following.

A Comission from the Hon^{ble} George Burrington Esq: Governo^r and the rest of the Members of the Councill directed to Thomas Pollock Esq: appoynting him Cheif Justice; And to Cullen Pollock William Downing Isaac Hill John Alston and Robert LLoyd Esq^s appoynting them

Assistants to the said Cheif Justice was read And the said Cheif Justice administred the Oaths & Declaracon by Law appoynted for the Qualification also the Oath of a Justice of the Peace and the Oath by Law enjoyn^d for choosing indifferent Jurymen to William Downing Isaac Hill John Alston & Robert LLoyd who afterwards administred the afores^d Oaths & Declaracon to the said Cheif Justice and then they took their places accordingly.

Present

Thomas Pollock Esq: Cheif Justice

W ^m Downing	} Esq ^s Assistants
Isaac Hill	
John Alston	
Robert LLoyd	

A Generall Commission of the Peace from his Excellcy John Lord Carteret Palatin and the rest of the true & Absolute Lords Proprietors of Carolina directed to the present Members of the Councill and the Members of the Councill for the time being John Lovick Esq: Secretary and the Secretary for the time being William Little Esq: Attorney Gen^l and the Attorney Gen^l for the time being Thomas Boyd Esq: Solicito^r Gen^l and the Solicito^r Gen^l for the time being John Palin Cullen Pollock Esq^s and to the Chairman of the severall precinct Courts within this Government for the time being appoynting them & every one of them Justices of for the Province aforesaid was read Pursuant to which John Lovick Esq: Secretary Thomas Harvey William Maule Robert West & Arthur Goffe Esq: Members of the Council William Little Thomas Boyd & John Palin aforesaid took & subscribed the Oaths & Declaracon by Law enjoyn^d for their Qualification and also the Oath of a Justice of the Peace which was Order^d to be recorded.

The following persons were impannelled & sworne of the Grand Jury viz^l

M ^r John Baptiste Ashe	M ^r W ^m Grey
M ^r James Peake	M ^r Joseph Spruill
M ^r James Howard	M ^r Adam Cockubrn
M ^r John Hill	M ^r Edm: Gale
M ^r John Worley Sen ^r	M ^r Charles Bull
M ^r Joshua Turner	M ^r Arthur Mabson
M ^r Robert Moore	M ^r Joshua Porter
M ^r Tho. Blichenden	M ^r ffrancis Pugh
M ^r Geo Durant	M ^r David Bailey.
M ^r John Wyatt	
M ^r John Solley	

Who being charged with things proper for their enquiry withdrew and consider^d the severall matters given them in charge and on their returne

presented William Charlton Jun^r of Chowan Precinct planter for assaulting beating and grievously wounding Thomas Heath of the said precinct.

Whereupon it was then & there Order^d that the Attorney Gen^l should make prosecution thereof. And then the Grand Jury was discharg^d from further service at this Court.

Jacob Johnson and Ann the wife of peter Johnson being comitted on suspicion of having feloniously stole divers goods wares & merchandise belonging to one peter pedro of Cape Fair in South Carolina lately barbarously murder^d were now brought to this Barr and Examin^d concerning the premises

But Thomas Ball who was bound by Recognizance to appear & give Evidence for our Sovereign Lord the King and therein failing the said Jacob & Anne are order^d to give security in the sum of twenty five pounds each for their appearance at the next Gen^l Court and that the goods seized do continue still in the hands of the Provost Marshall of Bath County till further Order

And it is further Order^d that a Scire facias issue for Thomas Ball to appear at the next Gen^l Court to shew cause why he did not appear on his Recognizance and to secure of the Goods & Chattells of the said Ball (if to be found) sufficient to satisfy what shall be adjudged against him for failing to appear &c.

John Johnson being again solemnly called to surrender himself and answer to the Bill of Indictment aforesaid found against him Came not And the Marshall having failed to make proclamation at the precinct Court of Pasquotank as he was commanded to do.

It is therefore Order^d that further process do issue requiring him to appear &c. at the next Court

Hill Savage being bound by Recognizance to appear &c at this Court and noe person appearing to prosecute Or Give Evidence he is discharg^d paying Costs.

And now here at this day (viz^l &c) Thomas Reston produced the said Philip Lanier alias Philander as by the last Courts Order he was obliged to do, And the said Thomas Harding here in Court exhibited the sayd Sparrows Book of Accounts which being compared with this Deed or Instrument in writing and Evidences concerning the same examined; It is Consider^d and Adjudg^d that the said Philander's petition be dismiss the aforesaid Deed or Instrument in writing being adjudg^d not to be the Deed of the said Sparrows & that the said Deed or Writing be filed among the Records of this Court it being endors^t by the Hon^{ble} Thomas Pollock Esq: Cheif Justice

And now here at this day (viz^l &c) the information made by William Daniel against John Jones Joseph Jones John Jornagen John Spier James Moore & William Moore at the Motion of the Attorney Gen^l are continued till the next Court.

And then the Court Adjourned

THO^s POLLOCK

P^r Order

C. J.

W. BADHAM Cler Cur Gen :

1725.

[B. P. R. O. PLANT. GEN. B. T. VOL. X. L. 65.]

Indorsed

REPORT OF M^r WEST UPON A QUERE WHETHER A GOVERNOR CAN VOTE AS A COUNCILLOR.

8 January 1724.

To the Right Hon^{ble} the Lords Commiss^{rs} of Trade & Plantatations

My Lords,

In obedience to your Lordshipps commands signified to me by letter from M^r Popple dated the twenty fourth day of November last I have considered the following Quere

Whether a Governor can vote as a Councillor in the passing of Bills when the Councill sits in their legislative capacity.

Upon consideration of which and of the Governor's Commission & Instructions I am of opinion that a Governor cannot by law vote as a Councillor in the passing of bills when the Councill sits in their legislative capacity. All which I humbly certify to your Lordshipps and am

My Lords

Your Lordshippps most obed^t

and most humble Servant

RICH^d WEST.

8 Jan^{ry} 1724₅.

[B. P. R. O. N. C. B. T. P. 149.]

January y^e 21st 1724⁵.

Present

Lord Palatin per M^r Ashley

Lord Craven

M^r Ashley

M^r Bertie.

A letter of complaint signed by seven of the ten Councillors appointed by the Lords Proprietors to be of M^r Burrington's Council against him and his illegal proceedings together with several affidavits confirming the same complaints were read Whereupon the Board gave their opinion that it would be proper to remove the s^d M^r Burrington and M^r Ashley was desired to write to the Lord Carteret for his concurrence and consent upon that account.

A Mem^{dm} was read from S^r Richard Everard Bart desiring that he might succeed the said M^r Burrington in the government of North Carolina which was consented to accordingly.

[B. P. R. O. PROPRIETIES. B. T. VOL. XI. R. 51.]

CHA. CARKESS TO M^r POPPLE 28th JAN^{ry} 1724⁵.

Sir,

M^r Christopher Gale who is collector of the Customs at Beaufort in North Carolina, and Chief Justice of the Province being come to England, has exhibited to the Comm^{rs} a Memorial setting forth that he has been personally insulted in the execution of his Office by Geo. Burrington Esq^{re} Deputy Gov^r of that Province and that he afterwards attempted in the nigt to break open the said Gale's house with intent to murder him, that he was thereupon obliged to quitt the Province esteeming his life in danger in case he continued there, the truth whereof appears by his Affidavit and Copy of his Memorial inclosed which the Comm^{rs} desire you will lay before the Lords Com^{rs} for Trade and Plantations, and the said Collector representing he cannot returne to his duty with safety to his life unless some proper measures are taken to protect him, the Comm^{rs} desire their Lords^{ps} will be pleased to enquire into this matter

and be a means that the grievance complained of may be redressed and least their Lords^{ps} should want fuller satisfaction in this matter, the said Gale is ordered to attend them, which is what I have in command to signify to you

I am Sir

Your most humble servant

CHA. CARKESE.

Custom House

London.

28th Jan^{ry} 1724.

[B. P. R. O. PROPRIETIES. B. T. VOL. XI. R. 51.]

ENCLOSED IN C. CARKESE'S LETTER OF THE 28th
JAN: 172⁴₅

LONDON—SS.

Christopher Gale Chief Justice of the Province of North Carolina in America and one of the Coll^{rs} of his Majesty's Customs within the said Province, who being sworn upon the Holy Evangelists declares as followeth, viz.

That George Burrington Esq^{re} the present Gov^r hath sundry times threatened grievously insulted and abused the Depon^t Chr: Gale and particularly the said Governor at his first arrival in the said Province which was neare two months before he saw the Depon^t (as he is credibly informed) gave out several menacing speeches against him saying, he would slitt his nose, crop his ears and lay him in irons, and that agreeable to these abusive threats he told the Depon^t he was his enemy and would ever continue soe. That at the last general Court held by the Depon^t, which began the last Tuesday in July past, the said Governor grosely reviled and insulted the said Depon^t in open Court and then in the execution of his office, and soe disturb the Deponent and the Assistant Judges, by abusive interruptions that for fear of worse consequences the business they were upon was put off till next Court and the Court adjourned. That the said Governor hath at times ever since (as the Depon^t has been informed continued to revile and by scandalous reflections to render the Depon^t mean and contemptible to the people, so that in both his Capacities of Chief Justice and Coll^r of his Majesty's Customs his Authority is thereby weakened and discouraged and he rendered incapable of executing his said offices. And further that

early on Sunday evening the 23^d of August last The said Governor attempted to break into the Depon^ts house in Edenton in a violent manner and with intent as he verily believes to murder him, to the very great terror of his family, but finding he could not break open the Door, he broke the window all to pieces, cursing and threatening him in a grievous manner, swearing a great many oaths, that he would lay him by the heels, nay would have him by the throat speedily, and burn his house or blow it up with gunpowder often repeating that this was but the beginning of sorrow to him soe that the said Depon^t being thus insulted and threatned by the said Gov^r armed with the Authority of Governm^t could not stay in the said Province to execute his said Offices for that he was in bodily fear of his life or some personal injury from the said Gov^r and this oath he takes not out of malice or revenge, but truly and really for the reasons aforesaid. And this Depon^t further sais that he knows of no reason he has ever given the said Gov^r for such his insupportable behaviour, unless it be his supporting the Officers of his Maj^{ty}s Customs for the Port of Roanoke and advising them when applied to as Chief Justice for the Interest & support of Trade at y^e time when the naval Officer of the s^d Port was imprisoned and the Coll^r (Adam Cockburn Esq^{re}) publickly insulted and threatned for only doing what the Deponent believed the Duty of their office required.

GALE

Jurat xxviith die January 1724 coram me

GEO. MERTTINS. Mayor.

[B. P. R. O. PROPRIETIES. B. T. VOL. XI. R. 51.]

To the Hono^{ble} the Comm^{rs} of His Majesty's Customs.

The Humble Memorial of Christopher Gale late Collector of the Customs of the Port of Beaufort in North Carolina but now by your Hon^{rs} Appointm^t Collector of His Maj^{ty}s Customs at Port Carrituck. Sheweth,

That your Memorialist hath for above two years past executed the Office of Collector within the said Port of Beaufort and had prepared the last quarterly Accounts according to your Hon^{rs} Instructions in order to be proved before George Burrington Esq^{re} the present Governor but before he had the opportunity to offer them the said Governor insulted your said Memorialist in a Publick Court then in the execution of his Office of Chief Justice which Office he hath executed within the said

Province for near twenty years with the general Approbation of all Persons and in a few days after attempted to break into his house one Sunday Morning about break of day with intent as he verily believes to murder him so that your Memorialist was obliged to leave the Government and his Office for the safety of his Life as by the annexed deposition of Persons of undoubted Character and many others ready to be produced (if required) will appear.

Your Memorialist begs leave further to represent that he knows of no reason he has ever given to the said Governor for such usage unless it be for supporting the Naval Officer and Collector of his Majesty's Customs in the Port of Roanoke and advising them (when applied to as Chief Justice) for the interest of his Maj^{ty's} Revenue and Support of Trade when they were the One of them imprisoned and the other publicly threatened and insulted for only doing the Duty of their Office.

One instance in particular your Memorialist thinks it indispensably his duty to inform your Honours of, is a seizure made in the Port of Roanoke by the said Governor himself in Person of a small vessell belonging to Boston in New England Capt. Soaner Master on the fifteenth day of July last for illegal Entry and after keeping her for about two days discharging her again of his own authority without any Tryal your Memorialist therefore humbly prays your Honours will be pleased to make such a representation of the case either to the Lords Proprietors of Carolina or any other the Ministers of State as your Honors shall think proper without which he cannot return to the execution of his Office, but with apparent hazard of his Life from the said Gov^r and without which it will be impossible for any other the Officers of his Majesty's Customs to doe their duty.

Vera Copia

J. WHITEHALL

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at the Council Chamber in Edenton the 3^d day of April Anno Dom 1725

Present

The Honoble George Burrington Esq ^r Gov ^r &c	
Will Reed	Thos Pollock
J Lovick	Tho ^s Harvey
E Moseley	Ar Goffe
R Sanderson	W ^m Maule

The Honoble the Governor declaring to this Board his Intentions of going within a short time to Cape Fare and from thence designs for South Carolina for the service of the Lords Proprietors Nominated Edward Moseley Esq^r to preside in Council and to transact the publick business of the Government during his absence from the County of Albemarle which the council concurred with

Ordered That a Proclamation Issue for proroguing the General Assembly till the first Tuesday after the General Court in July next

Read the petition of Thomas Willson Shewing that in Apr^l 1722 Eliz^a Whitfield took up & patented a Tract of Land in Bertie prec^t w^{ch} is not Cultivated as the Law directs therefore praying a Lapse patent may be granted him for the same

Ordered That a patent be granted the Pet^r as prayed for

Read the petition of David Steward Shewing that in the year 1722 Co^{ll} Rob^t West obtained a patent for 550 Acres of Land lying in Bertie precinct which is not Cultivated according to Law Praying a Lapse patent may granted him for the same &c

Ordered that a patent Issue as prayed for

Read the Petition of John Lovick Shewing that John Blount Esq^r took up and patented 560 Acres of Land lying in Chowan prec^t in the year 1721 which is not Cultivated as the Law directs Therefore prays a Lapse patent may Issue for the same

Ordered that a Patent Issue for the s^d Land as prayed for.

Read the Petition of Simon Bryan Shewing that in March 1721 John Bryan took up and patented 640 Acres of Land in Bertie prec^t which is not Cultivated as the Law directs therefore prays a Lapse patent may be Granted granted him for the same &c

Ordered that a patent issue for s^d Land as prayed for

Read the Petition of Lewis Bryan Shewing that in the year 1721 Michael Ricker obtained a patent for 88 acres of Land in Bertie prec^t which not Cultivated &c Therefore prays a Lapse patent for the same &c

Ordered that a patent Issue as prayed for

Read the petition of Thomas Willson Shewing that William Whitfield took up & patented in the year 1721. 280 Acres of Land in Bertie precinct which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of John Alston Shewing that William Daniel sometime agoe took up and patented a Tract of Land of 450 Acres lying in Chowan which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered That a Patent Issue as prayed for.

Read the Petition of Simon Jeffries Shewing That Elizebeth Jeffries and Osbernne Jeffries took up and patented two several Tracts of Land in the year 1721 in Bertie pree^t which is not Cultivated as the Law directs Therefore prays a Lapse patent may be granted him &c

Ordered that a patent Issue as prayed for

Read the Petition of John Gray Shewing that William Gray in April 1722 obtained a patent for 250 Acres of Land in Bert. pree^t which is not seated as Law directs therefore prays a Lapse pa^t &c

Ordered that a patent Issue as prayed for

Arthur Croxton who entered a Caveat against Ralf Bufkins obtaining a Lapse patent for a Tract of Land patented by W^m Lacy making it appear to this Board that the Land belongs to an Orphan

Ordered that a patent Issue in the Orphans name pursuant to the Law of this Country

Adjourned to monday the 5th of Ap^l 1725

Monday Ap^l the 5th 1725 Met againe

John Mackeel having obtained a Citation from the Honoble the Governor requiring Levi Markham and Elizabeth his Wife who had obtained Letters of Admi^{co}n on the Estate of William Smith dec^{ed} to appear before him in Council and to bring the said admi^{co}n with them and the said Mackeel having since proved a Will of the said William Smith dec^{ed} and obtained Letters Testary upon it and the said Citation bein returned Executed and the parties not appearing

It is ordered by the Gov^r in Council that the Admi^{co}n granted to the said Levi Markham and Eliz^a his wife be Null and Void and that the said Adm^{rs} forbear to intermeddle further in the said Estate.

Upon a Caveat of M^r James Winright

A Caveat being entered by M^r James Maglanghan which is referred to the next Council

Adjourned to Wednesday the 7th of April 1725

Wednesday April 7th 1725 met again

The Caveat between James Maglanghan and William Yates being argued It is Ordered that the Petition of the s^d Yates be rejected

Edward Williams appearing before this Board upon a Citation obtained by Mary Roe from the Honoble the Governor in which he was Com^{manded} to bring the Letters of Admi^{co}n he had taken out on the Estate of William Roe dec^{ed} as Greatest Creditor and she alleadging the said Roe had made a will wherein the s^d Mary is appointed and the said Mary

Roe producing only a Coppy of the said Will attested by a Clerk of a Court of Verginia It is Ordered That upon the said Mary Roes producing to the Secretary Letters Testamentory from the Colony of Verginia on the said Will that he make out Letters upon the same here And it is further Ordered that the said Edward Williams in the mean while forbear to meddle further in the s^d Estate.

Ordered that Mr James Winright do assist Mr Goffe in making up the acco^t of Dan^l Richardson Esq^r late Rec^t Gen^l & that they make report thereof to this Board

By Order

J LOVICK Sec^{ty}

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 28th day of May Anno Dom 1725

Present

The Honoble Geo. Burrington Esq^r Gov^r

J Lovick	Tho ^s Pollock	} Esq ^{rs} Members of the Council
E Moseley	Tho ^s Harvey	
F Foster	Arth ^r Goffe	
John Blount	W ^m Maule	

An Indian belonging to King Blounts Towne being brought before this Board to answer for having in his Drink fired a Gun into the house of George Moy an Inhabitant of this Government living in Pamlicough and wounding two Children belonging to the said Moy and this Board being Satisfyed that the Children are likely to de well And it appearing that it was done without malice the Indian being very much in drink

Ordered that he be fined Twelve buck skins and twelve Doe skins and that the same be paid to Co^{ll} Robert West sometime in August next for the said George Moy to recompence him for his Expence in Curing the Children of their Wound and that the said Moy upon receipt of the Skinns do Deliver up the Indians Gun now in his Custody

Adj^d till to Morrow

May the 29th 1725 Met againe

present as before & Robert West Esq^r

Ordered That a Comission of the Peace Issue for Bertie Precinct directed to Co^l W^m Maule Geo Wyn James Castlelaw Tho^s Bryan Edw^d Howard John Dew Tho^s Kitchen Jno Span Thos Hart Tho^s Lovick Henry Spellar

The Honoble the Gov^r in Council declaring that he had received Information of sundry very abusive and Scurrilous reflections that had been uttered concerning him by M^r Secretary Lovick in the presence and hearing of Sundry Person on the 8 of this Instance May at the house of M^{rs} Mary Woodman at Edenton and the Evidences Vizt Mrs Deborah Pilsen M^{rs} Jerome Armour M^r Sam Swann and M^{rs} Mary Woodman being called and giving their Oaths concerning the same. At the desire of M^r Secretary (who declared he had Sundry Evidences to produce in his favor) a further Examination and hearing of the said Matter before the Council ordered to be on the 14th day of June next at the Council Chamber in Edenton

By order

J LOVICK Secty

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

17 July 1725

His Excellency John Lord Carteret Palentin and the rest of the true and absolute Lords Proprietors of Carolina having by their Instructions bearing date the sevyenth day of April Anno Dom 1725 Authorized and Impowed William Reed Christopher Gale John Lovick Edward Moseley Francis Foster Richard Sandersen John Blount Thomas Pollock Thomas Harvey Robert West and John Palin and Henry Clayton or any three of them to administer the Oaths by Law appointed to be taken for Qualification of Publick Officers to Sir Richard Everard Barr^t Commissionated and appointed Governor Captain General Admiral and Commander in Chief of this Province

Pursuant thereto Met at Edenton the 17th day of July Anno Dom 1725

William Reed	Francis Foster	Esquires
Christopher Gale	Thomas Pollock	Members
John Lovick	Thomas Harvey	of the
Edward Moseley	John Palin	Council

Henry Clayton

And the Honoble Sir Richard Everard Barr^t produced to them a comission from His Excellency the Palatin and the rest of the true and absolute Lords Proprietors of Carolina under their hands and Great seal of their province appointing him Governor Capt General Admiral & Commander in Chief of this Province and then took and subscribed the several Oaths by Law enjoyned together with the Test and having administered the said Oaths to the above mentioned Gentlemen as mem-

bers of the Council The Honoble the Governor and the Council took their places at the Board accordingly

Ordered That a Proclamation do imediatly Issue Giving Notice of the present Establishment and to Confirm all Officers till further Order.

William Little Esq^r produced to this Board a Commission and Instructions from His Excellency the Palatin and the rest of the true and Absolute Lords Prop^{rs} of Carolina appointing him attorney General of this Province which being read and allowed the s^d Little took and Subscribed the several oaths by Law appointed together with the Test

Ordered that the s^d Comission & Instructions be Recorded

Robert Route Esq^r produced to this Board a Comission from the true and Absolute Lords Proprietors of Carolina therein appointing him Provost Marshall of the said Province which being read and allowed of he then took and Subscribed the several oaths by Law appointed for Qualification of Publick Officers together with the Test

Ordered that the said Comission be Recorded

Christopher Gale Esq^r being appointed Collector of his Majesties Customs of port Roanoke took and Subscribed the several Oaths by Law enjoyned for Qualification of Publick Officers together with the Test.

Ordered that all Books and papers belonging to the said office be forthwith delivered to the said Christopher Gale

Whereas the true and absolute Lords proprietors of Carolina by their Commission under their hands and Great Seal of their Province to Christopher Gale Esq^r Chief Justice have Impowered and directed the Governor and Council to Nominated and Choose Two Persons of abel skill in the Law to be assistant to the said Chief Justice who when so appointed are in the said Comission constituted and appointed by the true and absolute Lords Proprietors

This Board doth therefore and in pursuance of the said Comission unanimously choose & name Edmond Gale and Cullen Pollock Esq^r to be assistants to the said Cheif Justice

M^r Chief Justice Gale having been absent some time from this Government upon the business of the Governm^t and another Person having been appointed in his Room their Lordpps having in their Instructions allowed the s^d Christop^r Gale to act by the old Comission which being read and he Qualified by taking the Oaths by Law Enjoyned together with the Test.

Ordered That all Records Books and other papers belonging to the General Court Office be forthwith deliv^d to the said Christopher Gale or his order

Ordered That a proclamation do Issue for the dissolving the present General Assembly

John Blount Esq^r appointed in the Honoble the Governors Instructions a member of the Council of this Province appeared and took and Subscribed the several Oaths by Law enjoyned for Qualification of Publick Off^{rs} and took his places at the Board accordingly

By order

J LOVICK Secty.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 20th day of July Anno Dom 1725

Present

The Honoble Sir Rich^d Everard Barr^t Gov^r &^c

{	W ^m Reed	{	E Moseley	{	Henry Clayton	{	Esq ^{rs}
	Chris Gale		Jn ^o Blount				Members
	J Lovick		Jn ^o Palin				of Council

Several Complaints having been laid before this Board from divers of the Inhabitant on the uper part of Roanoke of the Insolent Carriage and Behaviour of the Indians and of the apprehensions the Inhabitants are under of further Mischief's being done by the said Indians which being duly Considered of, this Board desired the Honoble the the Gov^r to give directions to Col Robert West to enquire into the said Complaints and that if there should be any necessity that the said Col Robert West have orders to Raise men to secure and Defend y^e Inhabitants and that such a Quantity of Amunition and other Warr like stores be ordered as the honoble the Govern^r shall think necessary

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 29th day of July Anno Dom 1725

Present

The Honoble Sir Rich^d Everard Barr^t Gov^r &^c

{	William Reed	{	John Blount	{	Esq ^{rs} Members
	Ch Gale		Thomas Pollock		
	J Lovick		Tho ^s Harvey		
	E Moseley		Henry Clayton		

Richard Sanderson Esq^r appointed by the true and absolute Lords Proprietors of Carolina in the Honoble the Governors Instructions a member of the Council of this Province appeared and took and subscribed the several Oaths by Law enjoyned for Qualification of Publick Officers Together with the Test and his place at the Board accordingly

An old Warrant being produced to Board granted by Governor Hyde in the year 1711 to Thomas Harvey Esq^r for five Thousand Acres of Land lying at Cape Fear which Warrent being assigned over to George Burrington Esq^r who having paid the purchase money for the same and the surveyor General Having upon the back of the said warrant returned a survey for the compliment mentioned in the said Warrant

Ordered that the Secretary make out a patent for the said George Burrington pursuant to the said warrant

Adj till to morrow morning

By order

July 30 met again present as before

Major John Alston is appointed one of the assistants to the Cheif Justice in the room of Cullen Pollock Esq^r who hath resigned the said Office

Ordered that the arrears of the late Presidents Salary be paid him by the Reciever General

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 3^d day of August Anno Dom̃ 1725

Present

The Honoble Sir Rich ^d Everard Bart ^h Gov ^r &c		
{ E. Gale	Tho ^s Harvey	} Members of the Council
{ J Lovick	Henry Clayton	
{ R Sanderson		

Robert West Esq^r appointed by the true and absolute Lords Proprietors of Carolina in the Honoble the Gov^{rs} Instructions a Member of the Council of this Province appeared and took and subscribed the several Oaths by Law appointed for the Qualification of Publick Officers together with the Test and his place at the Board accordingly King

Blount Cheif man of the Tuskororoës Indians appearing up on notice given him to shew Reasons why he detained an Indian Slave named March now belonging to Mr. Francis Pugh and it being demanded why he did not bring in the said Slave He gave for Answer that the said slave was gone quite away from his Towne with the Senneca Indians but assures this Board that he will secure the said slave named March the first time he can light on him and bring him in to answer the said Complaint and submit to the Judgment of this Board

A Caveat being entered against Lres Testary being granted upon the will of John Jones deœd which having been argued Ordered that the exceptions against the said will be put in Writing and filed in the Secretary Office within a month from this day and that Eliz^a — who hath the estate in her possession for bear to waste the same in the mean time

Ordered that a New Commission of the Peace Issue for Bertie pree^t directed to Thomas Pollock Esq^r Barnaby Mackinne Thomas Lovick George Winn Ja^s Castellaw Tho^s Bryan John Holbrook John Dew James Boon Edw^d Howard Henry Spellar, and John Spann

Ordered That a new commission of the Peace Issue for Beaufort and Hyde Precints directed to James Leigh Robt Turner Robert Peyton Gyles Shutt Samuel Slade John Martin and Simon Aberson Joshua Porter — Worsley Gent

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 24 day of August Anno Domini 1725

Present

The Honoble Sir Rich^d Everard Bar^t Gov^r &c

{ C Gale	Tho ^s Pollock	} Esqrs Members of the Council
{ J Lovick	Robt West	
{ E Moseley	Tho ^s Harvey	

The Governor having Laid before this Board several Complaints that was made to him by divers of the Inhabitants of Roanoake River against the Indians and of the apprehension they are under from the Northern Indians who are dayly making Inroad upon the Inhabitants and threatening them with Warr And that the s^d Indians (as they are Informed)

are making Forts within two days march of their settlement to annoy the English Which being considered of.

It is Ordered That Colonel Robert West be desired to pitch upon some proper person and Give him directions to take with him some white men and Two or Three Trusty Indians to go out upon discovery of the said Indians and the Forts and that they Endeavour to get Speech with the said Indians and enquire into the Reasons of their making such forts and what their business is and thereupon he immediately make report of his proceedings in writing and of the Grounds of these reports & sumises to the Governor or to Col West so that such further Orders might be given as should be Judged Necessary.

Major Thomas Lutons Petition being read Mr Pollock who was made a party to the same desired time to answer it which was granted him to the Council Sitting in October next.

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at the Council Chamber in Edenton the 5th day of October Anno Dom 1725

Présent The Honoble Sir Rich^d Everard Barr^t Gov^r &c

W ^m Reed	}	Rich ^d Sanderson	}	Esq ^{rs} Members of the Council
Chris Gale		Tho ^s Harvey		
John Lovick		John Palin		
Edward Moseley		Henry Clayton		
Fran ^s Foster				

Upon motion made by William Little Esq^r Attorney General that his salary might be paid him from the time of his Dismission till the time that Tho^s Boyd Esq^r appointed Attorney General Qualifyed himself for that Office

Ordered that the Reciever General pay the s^d Salary as prayed for

Edward Moseley Esq^r is appointed Judge of the Admiralty within this Province

The Question being put whither the members Chosen for this present Assembly should sit in November the time appointed by act of Assembly It was carried in the Negative

Ordered that a proclamation Issue for Prorgueing the General Assembly to the first Tuesday in April next.

Ordered that the Prohibition for Transporting of Grain be taken off and that the Custom house Officers within this Province have notice thereof accordingly

Adjourned till to morrow morning

October the 6th Met againe

Ordered That a Comission Issue for the General Court directed to Edmond Gale William Downing Barnaby Mackinne Robert Lloyd John White Thomas Lovick Richard Graves and John Alston Esq^r M^r Reciever General Goffe laid before this Board his acco^t of their Lordssps Revenue for the year 1723 to 1724 Ordered that the said Acco^a lay till the next Council for the perusal of any of the members of this Board

Read the Petition of George Moy Setting forth that one of the Tuskaroroos had shott and wounded two of his Children &c

Ordered that the Indian Complained of Attend this Board at their next sitting

Ordered That a New Comissⁿ of the Peace do Issue directed to William Reed Esq^r Joseph Sanderson Thos Taylor Jn^o Woodhouse William Parker Richard Church Richard Etheridge John Mann and William Robb

Ordered that a New Commission of the Peace Issue directed to John Palin Edmond Gale Thomas Swann Robert Lowery David Bayley Evan Jones Gabriel Burnam John Davis Nath Hall, John Solley and William Willson

Ordered that a new Comissⁿ of the Peace Issue directed to Coll Edward Moseley William Badham John Crisp, Henry Bonner, John Parker Tho^s Luton Jun^r Samuel Spruel and Capt Sam^l Patchet

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 28th day of October Anno Dom 1725

Present

The Honble Sir Rich ^d Everard Barr ^t Gov ^r &c				
William Reed	}	Tho ^s Pollock	{	Esq ^{rs} Memb ^r of the Council
Christ Gale		Tho ^s Harvey		
John Lovick		John Palin		
Edw ^d Moseley		Henry Clayton		
John Blount				

Adjourned till to morrow morning

Oct 29th met againe Present as before

Read the reasons and Exceptions filed by John Ralph and Elizabeth Ralph his wife Executive of the last will and Testament of John Jones decd against the Petition of Darathy McDaniel praying Admīcon with an Instrum^t annexed which she produced as the last Will and Testam^t of the said John Jones which having been duly and fully argued by Council on both sides It is the Opinion of this Board that the granting the s^d Admīcon as pray'd for would be as far in them lies Revoking the other will which was duly proved and an Exe^{rs} Lawfully appointed and this Board being further of opinion that the matter in dispute does not regularly lye before them

Ordered that the said Petition be Rejected
Adj^d till to morrow morning

Octo^r 30th met againe Pres^t as before
Read the Petition of James Boon

[COUNCIL JOURNAL.]

NORTH CAROLINA—ss.

At a Council held at the Council Chamber in Edenton the 31st day
Octo^r Anno Dom 1725

Present

The Honoble Sir Rich ^d Everard Bar ^t Gov ^r &c			
{	W ^m Reed	R. Sanderson	} Esq ^{rs} Members of the Council
	Ch Gale	J Blount	
	J Lovick	Tho ^s Pollock	
	E Moseley	Tho ^s Harvey	
Henry Clayton			

King Blount Chief man of the Tuscororoos representing to this Board that some of his people are disorderly and are throwing off their Obedience to him as their Ruler and praying the Protection of this Governm^t and this Board being fully Satisfyed of the faithfullness & Fidelity of the said Blount desired the Honoble the Governor to grant a new Commission to the said Blount and to Issue a proclamation Commanding all the Tuscororoos to render the said Blount Obedience otherwise they will be looked upon as Enemies to the Government

Major Thomas Luten laying before this Board Letters Testamentary on the will of Esther Pollock decd granted by the late Gov^r without the

Colony Seal which was granted when a Caveat was Lodged in the Secretary Office against it and Thomas Pollock Esq^r who was the party that entered the Caveat informing this Board that he had never been called upon to give his Reasons and desiring the Opinion of this Board whether the said Letters are Legally granted Where upon this Board was unanimously of the Opinion that the said Letters Testary granted without the seal of the Colony and whilst Caveat was entered against it in the proper Office was contrary to the usage and Custom of this Government

It is therefore Ordered that the Secretary take no Notice of the said L^{rs} nor affix the seal of the Colony to them.

Richard Skinner being cited to answer the Complaint of Mary Skinner widow appeared and by the agreement of both parties the whole matter now in dispute is referred to Colonel Thomas Harvey and Henry Clayton Esq^r who are hereby Impowered to Determine the same when they shall think Convenient and make return of their proceedings to this Board as soon as possible

By order

J LOVICK Secty

Read the Petition of John Lovick Shewing that Lawrance Sarson formerly obtained a patent for Two Tracts of Land lying in Bertie precinct each containing Six hundred and forty Acres which is not Cultivated according to Law Therefore prays a Lapse patent may be granted him for the s^d Tracts of Land &c

Ordered That Patents Issue as prayed for

Read the petition of William Badham Shewing that Thomas Bray took up and Patented 640 Acres of Land lying on Chinkapin in Bertie precinct which is not seated &c therefore prays a Lapse patent may be granted him for y^e same

Ordered That a Patent Issue as prayed for

Read the petition of Clem^t Hammond shewing that in July 1717 Thomas Bray took up and Patented 640 acres of Land lying in Bertie prec^t on Chinkapin which is not seated &c therefore prays a Lapse &c

Ordered that a patent Issue as prayed for

Read the Petition of John Sutton Shewing that in April 1722 John Procter obtained a patent for 370 Acres of Land lying Bertie prec^t which is not seated &c Therefore prays a Lapse patent for the same

Ordered a patent Issue as prayed for

Read the Petition of William Halsey Shewing that Miles Halsey in March 1721 Patented 450 acres lying in Bertie prec^t w^{ch} is not seated &c Therefore prays a Lapse &c

Ordered a Lapse patten Issue as prayed for

Read the Petition of William Reed Jun^r shewing that his Father William Reed Esq^r some time agoe patented a Tract of Land of 290 acres w^{ch} is not Seated &^c Therefore prays a Lapse patent &^c

Ordered That the Prayer of the Petitioner be granted

Read the Petition of Robert Warren shewing that in the year 1714 John Thomas obtained a Patent for 134 acres of Land lying in Bertie Precinct w^{ch} is not Seated &^c Therefore prays a Lapse patent &^c

Ordered That a Patent Issue as prayed for

By order

[B. P. R. O. PROPRIETIES. B. T. VOL. XII. R. 101.]

THE JOURNAL OF THE LOWER HOUSE OF ASSEMBLY BEGUN THE 1st OF NOV^r 1725

NORTH CAROLINA—SS.

Att a Gen^l Biennial Assembly held at Edlistow. the 1st November 1725.

Present in the Lower House

Co^{ll} George Pennington, Major Henry Bonner Co^{ll} Cullen Pollock, Capt Wm. Downing, M^r Edm^d Porter, M^r Joseph Jessop, M^r Thos. Speight, M^r Chas. Denman, M^r Sam. Phelps M^r Sam^l Swann, Col. Thos. Swann, M^r James Winright M^r M^cory Searboro, M^r John Baptism Cushe, Co^{ll} Maurice Moore Co^{ll} Wm. Maule, M^r Arthur Goffe, M^r James Castellaw, M^r Isa^b Hill, M^r Thos Parris

Co^{ll} Maurice Moore is chosen Speaker, nem: contradicente

Robert Hicks is appointed Clerk, John Falconar Messenger and H Savage Doorkeeper to this House

Ordered that the Secretary do lay before this House the returns of the Representatives elected to serve at this Biennial Assembly

The Messenger being sent to the Secretary for the returnes of the Representatives returned the Answer that he would acquaint the Governor therewith.

A Second Message being Answered that was always Customary to make the returns to the Upper House, and there they should remain.

Coll: Tho: Swann and M^r Jam^s Castellaw were sent to desire the Governor & Council would Order the Secretary to Deliver the returns of the Representatives to the proper Officers in Order to lay the Same

before the House, who return'd that the Governor Say'd he had the Returns & that there was a Proclamation whereby the Assembly was Prorogu'd till the first Tuesday in Aprill, it being then the proper time should be sent down here & that at present they are not a House.

Col^l W^m Maule & M^r Edm^d Porter were sent to the Governor to acquaint him that whereas he had thought fitt to prorogue this Assembly, the house was of Opinion that it was not in the power of him nor the Council to Doe & Desired to know by what authority he did the Same & desired a Conference with their House to argue thereon. Who return'd that they had Delivered the Message to the Governor having then nine Members of the Council in Company with him. Viz^l—And Governor replied that this House had Disputed his authority, he had Prorogu'd the Assembly & he would Support & Stand by it.

Capt. W^m Downing & M^r Jam: Winright were sent to the Upper House to acquaint them that this House had Chose their Speaker & desir'd to know if they were ready to receive him. Return'd that the Governor Sayd he would receive the Speaker at the time of the Prorogation.

Resolv'd that Capt. W^m Downing, M^r Edm^d Porter, Col. W^m Maule & M^r Jno. Baptiste Cushe be appointed to Draw a Protest against the Proceedings of the Governor & Council relating to the Prorogation of this Assembly & Also an Address to the L^d Prop^{rs} Setting forth the all Aggrievances w^{ch} they conceive this Country now to lye under, Particularly to make Remonstrances to their L^{dps} that this House hath rec^d Sundry Propositions & Grievances from the Severall Precincts of this Government which are unremyded by reason that the Governor and Council hath Assum'd a Power of Proroging the Assembly before its time of meeting. Also that they be pleased to Notefy to their L^{dps} their knowledge of the Charrecter & Conduct of the Hon^{ble} George Burrington late Governor of this Province during his Administration of the Same.

It is Unanimously Resolved by this House that the late Proceedings of the Gov^r & Council in relation to their Pretended Prorogation of this present Biennial Assembly are Illegal being Contrary to the Laws of this Province an Infringement of their Liberty & breach of the Priviledges of the People Inhabitants of the Same Province

And it is further Resolv'd that this House at their next meeting Proceed to no business until their Lawful Priviledges which they now claim are Confirm'd unto them by the Governor & Council Afs^d

Adjourned till morning 10 a Clock.

Tuesday the 2^d Nov^r

The House mett according to Adjournm^t together with M^r Rob^t Morgan, Representative for Pasquotank Province The Comitte for Drawing an Address &c. to the Lords prop^{rs} according to the Order of this House Yesterday lay'd the Same before the House being read is approved.

To his Excellency Jn^o L^d Carlewtt Palatine & the rest of the true & Absolute L^{ds} Prop^{rs} of Carolina

The address of Several Members return'd for this Present Biennial Assembly of North Carolina.

May it please your Lordships:

The great happiness which this Province lately enjoy'd under the Administration of the Hon^{ble} George Burrington Esq^{re} the late Governor being much disturbed by the Sudden & Unexpected Change which hath been made thro' the many false & malicious Calumnies that have been raised against that gentleman by Persons of the most Vile Characters as well as Desperate fortunes is the occasion of our Addressing your Lordships at this time

And altho' Comon Justice requires Us to give M^r Burrington his due Character, yet we think our Selves under the greatest obligation so to do at this time inasmuch as by some of those Articles wherewith we understand M^r Burrington is charged, a very great Reflection is Cast on the Principal Inhabitants of this Province as tho' they were of Turbulent & factious Spirit & inclinable to Cause such a Revolution here as lately happened in S^c Carolina.

Wee therefore take this occasion to acquaint your Ldpps that as we are Chosen to represent the Inhabitants of this Province we do Assure you that the s^d Charge is entirely false & groundless & we believe was suggested to your Lordps purely with a Design to give you an evil opinion of those who we are well Satisfy'd had your Lordps Interest & that of your Province most at heart, & as we are very well acquainted with M^r Burrington & the Inhabitants of this Government in General we do Declare that we never could Discern either in M^r Burrington or any other Person of Credit & Reputation the least Step, Motion or Inclination towards a Revolution.

Wee think our Selves very happy under your Administration & notwithstanding the uneasyness that the Inhabitants of this Province are under occasioned thro' the late Sudden & unexpected Change & the Present Irregular & Arbitrary proceedings of some of your Lordps officers Yet we assure your Lordps that we will not be wanting as well by

our Persons as by the Influence we have on the People we represent to preserve Peace & Quietness until the State & Condition of this your Province can be lay'd before you by M^r Arthur Goffe, M^r Edm^d Porter & M^r Nath. Duckenfield whom we have Instructed as our Agents to do it being persuaded that your Ldps will have due regard to the several Complaints which on this occasion will be made unto you

Indeed were it not for the Justice we Expect from your Lord^{ps} & the Influence which we believe we have on the Inhabitants of this Province, they might be prone enough to endeavor to obtain as Quick remedy of the Evils attending such a Vile Administration as the Province is threatened with from a Governor so entirely Influenced by so few Persons of the most Irreligious & Imorale Characters. But as we Detest all Irregular & Tumultuous ways of proceeding (our only hopes remaining in your Lord^{ps} Justice) we Expected we should have had an opportunity at this present Biennial Assembly of Causing a due enquiry to be made into those late Practices which have been the Occasion of so much uneasyness & Dissatisfaction as well as into the Vile & base Practices of Several of your officers in their offices. But having been disappointed of these our Expectations by the Irregular as well as unwarrantable Prorogation of this Assembly occasion'd (as we think) thro' the Advice of those who fear'd to have their Actions lay'd open to your Lord^{ps} by us We are constrained to be at the Charge of Employing Agents to make known to your Lord^{ps} the true state of this your Province hoping that thro' your accustomed goodness you will give such relief as the Exigency of Affairs may require

Not being so fully apprised of the several articles said to be laid to Mr Burrington's charge on which your Displeasure has been so apparently made manifest towards him we can only in general terms assure your Lord^{ps} that none of us can remember that this Province ever seemed more Happy than under his Administration, his Carryage & behaviour being very Affable & courteous, his Justice very Exemplary & his care and Industry to promote your Interest & the welfare of this Province being very Eminent & Conspicuous

Wee humbly Subscribe ourselves

Your Lord^{ps}

Most humble most obed^t

& most dutiful Servants

Adjourned till the first Tuesday in April next.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. BAILEY'S REMONSTANCE AGAINST MR. RICH^d
EVERARD.

The 9th of Nov^r Sir Rich^d Everard came up to the 'House where I lived in Bertie Precinct, where I had 2 days conference with Sir Rich^d in my own chamber & Sir Rich^{ds} discourse being stuffd very much with unusual reflections on our late Gov^r M^r Burrington I shew'd a dislike, whereupon Sir Rich^d took upon him with abundance of heat & warmth to reflect upon myself by telling me, that I not only stood precarious as a Minister here, but that it was in his Power to prevent my preaching here to the people, I humbly answered him that I had done nothing unbecoming my Ministerial Function, but had more diligently attended in the precinct than any former Minister ever had done, by collecting more numbers of People and Baptizing more people & Children; neither had I been wanting to acquaint his Honor in time, of the reasons of my coming to No. Carolina, that the vestry of Bertie Precinct had sent me an invitatory letter, with promises of great encouragements, which letter I shew'd to him & told him before I sat down with them. I exhibited to our former Gov^r M^r Burrington, to Coll^l Moseley & Divers others of the Gov^r when there was no minister in the Gov^t, who together with the public approv'd of my residence with them, under which Gov^r I lived very peaceably & added, there was many People daily at Church, upon which Sir Richard became more moderate, but still levelling his discourse against M^r Burrington. I express'd an uneasiness, by telling him I knew of no harm of M^r Burrington, & that I could not speak with other men's tongues & I told Sir Rich^d, that if I could not obtain his countenance, without speaking evil of any man, that I knew no evil of. I must despair of obtaining it. Sir Rich^d then was very calm & invited me & my wife to his house at Edenton accordingly the Mondáý following I set out for Edenton, & arrived there, Thursday Morning. the Saturday following I met with the Rev^d M^r Blacknell, I asked leave of his Pulpit; he answered, I was welcome to his Pulpit; soon after, I met with Sir Rich^{ds} Son, told him I intended to Preach to-morrow; he told me his father invited me to a dish of Chocolate in the morning. I answered. I would wait upon Sir Richard & accordingly did, when I met with a free access, good entertainment, exceptions only, some scandalous and gross reflections on M^r Burrington. I told Sir. Rich^d I was not susceptible of

such egregious reflections on a Gentleman of so vast a character among both Rich & Poor, as M^r Burrington always did & does to this support. immediately entered a Bevy of Ladies, to Breakfast with Sir Richard, we broke off our discourse took my leave & departed, expecting Sir Rich^d & the Ladies to come to church at the time appointed; & after I had taken a walk about an hour and a half, meeting with M^r Paris he asked me, whether it was not time for Church or no; I answered in the affirmative asking him who Kept the Key who answered M^r Badham & that he would go for it & immediately did & as soon returned telling me, the Gov^r had sent for it, at which I was very much surprised. the Congregation being ready for their devotion, there was a great murmuring, from, which I understood, that the Door would be broke open. I desired them not to do it, for I would go to Sir Richard for the Key myself rather than any violence should be used & accordingly I approached Sir Rich^d after this manner (who was then in company only with D^r Allen, a man of a vile Character & lately condemned at Williamsburgh for cursing King George & Mr Drysdale who is Gov^r of Virginia) Sir Rich^d the congregation waits to go to church & I beg that your Honor will please to let me have the Key. He taking the Key, then up in a great rage, thus express'd himself. Sirrah I will make you know who is Gov^r. I answered I knew that his Honor was Gov^r & I hoped that his Honor knew likewise who was Priest. he reply'd, I should not preach to-day. I told him that I would & that unless his Honor would please to send the Key. I was assured by what I heard that the Dore would be opened. he said he would put me in Prison if I did Preach. I answered however I would try that, not doubting that God would defend me. I then departed and come to Church, where the Door was open. I went in read Divine Service & gave the people a Sermon. The next morning a warrant was sent by the Constable from justice Gale which is as follows.

When I came before the Justice, he examining me demanded Security or would order me to Prison. I demanded Security of him for his libel, which denomination I gave the warrant. Information being given by a person, notoriously disaffected to King George & lately arraigned for publicly cursing the King & Government & by many evidences was convicted condemned & fined also recorded within the Capitol at Williamsburgh for the same yet notwithstanding this, to prison I must have went had not Mr Burringtons compassion & love to the Clergy prevented by offering himself Bail which was accepted

THOS BAILEY

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

AFFIDAVIT RELATIVE TO MR. BAILEY

N^o CAROLINA

On this 3rd day of Dec^r 1725. Before me Edw^d Moseley. Personally came & appeared Geo. Burrington Esq^r who on his oath on the Holy Evangelists taken saith, that on Monday the 22nd of Nov^{br} last the Rev^d Mr. Thos. Bailey came to this Deponents lodgings in Edenton & told this Deponent that Christ^r Gale Esq^r chief justice of this Province had granted a warrant against him & that he was in custody of a Constable & desired him to go with him before the chief justice. which he, this Deponent readily did. that there were present with the s^d chief justice (then in the house of Mr. W^m Badham of Edenton) Sir Rich^d Everrard Bar^t Gov^r of N. Carolina. Jn^o Lovick Sec^y & others; That they Questioned the aforesaid Mr. Bailey concerning his Preaching the Day before: to which questions Mr. Bailey gave modest answers, notwithstanding the s^d Sir Rich^d Everard Gov^r Christ^r Gale chief justice & John Lovick Sec^y did very much insult the S^d Mr. Bailey, treating him with base & scurrilous language such as this Deponent saith he never heard given to a Clergyman by any Majistrate before. the s^d Mr. Bailey was also threatened to be sent to prison, if he would not give security to appear at the general court: & this deponent verily believes they would have so served him if bail had not been given.

GEO. BURRINGTON.

Sworn, before me the Day & Year first above written.

E. MOSELEY

Also Arthur Goffe Esq^r, Mr. Ja^s Winwright & M^r Jerome Armor came before me & made Oath that they were present at the examination of the Rev^d M^r Bailey in the above deposition mentioned & they also give the like testimony of the treatment M^r Bailey met with as Mr. Burrington has above declared.

A. GOFFE
JAS. WINWRIGHT
JER^m ARMOR.

Sworn before me E MOSELEY.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

FULHAM MSS. UNBOUND.

MEM^m CONCERNING THE ENDOWMENT OF THE CHURCH IN NORTH
CAROLINA.

It appears by D^r Trotts collection of the Laws of America relating to the Church &c—Page 84

That the Province of N. Carolina is divided into 9 Precincts or Parishes (In some letters to the Society lately come from thence tis said there are 11 Parishes) and that the Churchwardens and Vestrymen of each Parish are empowered to procure an able & Godly Minister qualified according to the Ecclesiastical Laws of Engl^d to raise for him, such a yearly stipend as they shall think convenient, so as such sum or Stipend, be not less than £50 & that in the raising thereof & all other Parish Charges, the whole do not exceed 5^s per Pole on all the taxable inhabitants in the Parish. They are also empowered to purchase Lands for a Glebe & to Build a Church, & one or more Chapels in every Parish or Precinct & the same as often as need shall repair.

(N B) It doth not appear by any acct^s yet come to the Society, that there are any Glebes purchased or any Churches or Chapels built. The s^d 5^s per pole is in the Currency of that Province & at present not worth above 18^d Sterl. altho' at the passing of the Law, it was of the value of 3^s 4^d, or at least so intended; and if this deficiency was made good or the 5^s advanced to Sterl^g that would be but a very moderate tax, & yet afford such a comfortable subsistence for a single person as might be sufficient encouragement to worthy persons to accept of a mission thither.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

A CATALOGUE OF BOOKS HUMBLY PRESENTED BY
EDW^d MOSELEY ESQ^r TO THE HON^{ble} & MOST AUGUST
SOCIETY FOR THE PROPAGATION OF THE GOSPEL
IN FOREIGN PARTS, TOWARDS A PROVINCIAL LI-
BRARY TO BE KEPT IN EDENTON, THE METROPOLIS
OF NORTH CAROLINA.

FOLIOS

Pools Synopsis Criticorum 5 vol,
T. Augustine Opera 10 vols Col.
Agrip 1616
Tanti in quartuor Libios Regum &c
..... in Jeremiam
..... in Ezechuelem
Tyntagma Theologia Christianæ
Leigh's Body of Divinity
Deodati's annotations on the holy
Bible
Ancient Histories of Eusebius So-
crates & Evagrius
Jimson's History of the Church

QUARTOS

Ans^r to a Challenge made by a
Jesuite
Buridani questione in 8^{vo} Libe Col
Aristotelis
Prideaux's Fasciulus Controv. The-
ologicarum

OCTAVOS

Francisco Le Rees Cursus Philos
2 p
Tertia pars Sum Philos & quarta
Piccolominco Universa Philos de
Moribus
Da Parci Exercital Philosophica-
rum

QUARTOS.

Cartwrights Harmonica Evangelica
Notations in Totam. Scrip: Sacram
History of the Church of Great
Britian
Billson's true Difference between
Xtian subjection &c
Balls Ans^r to Canns 2 Treatises
Brickluck's Protestant Evidence
Rainoldi De. Rom: Ecclesia Idolo-
tatria
Pieres Sunier Impleaded
Hemsey, Sac Exercitad Novo Testa-
mentum
Cartwright's Comment in Prov Sol-
omonis
Ushers Britannicamen Eccles: Anti-
quitatis
Balls friendly Trial of the grounds
of separation

OCTAVOS.

——— Systema Logica
Lensdens Clavis Greeca nova Testa-
menti
Baronij Metaphysica Generalis
Dounams Comment Rami Dialect
Iah. Regio. Comment ac disput so-
jicarum
Salij Ethica

Buxtoy's Lexicon	Buxtoyi Epit. Grammat Hebræ
Dialogue in Ans ^r to a Papish Catechism	Hyselbein's Thearia Logica.
Augustini de Civitate Dei 2 vols	Amesius de Divina Predestinatione.
Greek Grammar	Baronius Annales Ecclesiastico
Itimedonci De Scripts Dei Verbo &c	Hugo Gertius Defensio fidei Catholice
Itummis Comment in Evang-Secmat	Augustini Confessionum
Eustachio a Sancto Paulo Sum Philos. quadripartitæ	Amesij medulla Theologica
Scheiblus Libeo Comment Tapicorum	— Rescript Scolastica ad pie Grevinchorij
Schickards Host Hebreum	— Tech no matria
Melanchoris Cronicon Curionis	Wendelini Christianae Thedogia
Calvins Institutio. Christ. Religionis	Lactantij Divinarum Institutionem
Davidis Pares Corpus Doct. Christiana	Pch Cunai de Rep Hebraorum
Aristotles Organon	Hebrew Psalter
Heckerman's Systima S. S Theologia	

In the year 1720 Mr. Edw^d Moseley sent a bill of Exchange for 10£ Sterl^s to the Sec^y of the Hon^{ble} Society drawn by their Missionary The Rev^d Mr. Urmstone & it was his desire that that sum should be laid out in the following Books and that they should be marked with the impression of the Society's Seal & wrote upon; "To be lent to the Northeast Parish of Chowan & they should be delivered out to the 12 Vestrymen for the use of themselves & Neighbours—viz—

- 12 Common Prayer Books of about 2 6 each
- 12 Whole duty of Man near the same Price
- 12 Dr. Nicholl's Paraphrase on the Common Prayer
- 12 Dr. Horneck's Great Law of Consideration

Bishop Beveridges' Sermons of the usefulness of Common Prayer and such like helps.

But my friend receiving no account of what was done in this affair he wrote again to the Sec^{ry} in April 1723 with a second bill of the Draught, with request to the Sec^{ry} that the money should be laid out in the books afore mentioned, or such as should be judged most useful. & he also sent a catalogue of such books as he had purchased desiring the

Hon^{ble} Society would be pleased to accept of them towards a Provincial Library for the Gov^t of North Carolina to be kept at Edenton. which is the Metropolis of that Province. But has never to this day had any intelligence from the Secretary of the Society altho' they have had the Rev^d M^r Newnam their Miss^{ry} come amongst them since his first letter & their Gov^r since his last.

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

Att a Generall Court of Oyer & Terminer and Gaol Delivery held at the Courthouse in Edenton begun on Tuesday the thirtyth day of March one thousand seven hundred and twenty five and Continued by severall Adjournments till the seventh day of Aprill following.

Present

Thomas Pollock Esq Cheif Justice

William Downing	} Assistants
Robert Lloyd	
Isaac Hill	

The following persons were Impannelled and sworn upon the Grand Jury viz^t

M ^r Joseph Jessop	Charles Denham	John Edwards
M ^r Griffith Jones	Jamuel Phelps	Joseph Spruill
M ^r Francis Pugh	William Lattimer	Cornelius Harnett
M ^r Henry Bonner	Barabe McKinne	Richard Whidbee
M ^r Thomas Betterly	John Rickard	Martin Frank
M ^r John Crisp	John Bryan	Jacob Blount
M ^r William Williams	Mackrorey Scarbro	Joshua Turner

Who being charged with things proper for their Enquiry withdraw.

William Charlton Jun^r being presented by the Grand Jury the last Court for assaulting beating and Greuously wounding Thomas Hoath and no Process being issued for his appearance to answer the same

Order^d that the Order of the last Court be Continued

And now here at this day Thomas Ball being Solemnly required came not and no Process being Issued according to the last Courts Order

Order^d that a nother Scire facias do issue for his Appearance at the next Court.

And now here at this day came the aforesayd Peter Johnson & Ann his wife and M^r Attorney General Informing the Court that he knew not of further Evidence for the King

Order'd that they be discharged paying Costs.

Information being made by William Daniel against John Jones Joseph Jones and John Jornagen for retailing Liquors without Lycence. Upon motion of Thomas Boyd Esq: Attorney Gen^l is Continued till y^e next Court for further Evidence.

Patrick Ogilby being bound by Recognizance to Appear at this Court made his Appearance accordingly and is Dismist without day Paying Costs

A ffordg Bill of this Province said to be utter'd by James Speers being exhibitted by the Precinct Court of Bertie into this Court

Order'd that process issue against the said Speers for his appearance here at the next Court &c.

David Vincent being bound by Recognizance to appear at the Precinct Court of Bertie and failing to appear according to the same Recognizance which being return'd to this Court Order'd that a Scire facias issue for the sayd David Vincent to Appear at the next Court to Shew Cause why he did not appear on his Recognizance &c and to secure of the Goods & Chattells of the sayd David Vincent if to be found sufficient to satisfy what shall be adjudged against him for failing to appear on his Recognizance

A Publick Bill of this Province of twenty shillings and a nother of seven shills & six pence ffordg being Order'd by the Precinct Court of Bertie into the hands of M^r Attorney General Delivered the same into this Court.

Order^d that they remain in the hands of the Clerk of this Court in Order to be deliver'd to the General Assembly.

To the Hono^{ble} Thomas Pollock Esq Ch: Justice and to the rest of the Justices for holding the General Court of this Province.

The Jurors for our Sovereign Lord the King upon their Oaths do Present that Edward Howard of Bertie Precinct in the County of Albemarle and Province of North Carolina not having the ffear of God before his eyes but Deceitfully Contriving to beguile the sayd the Kings Subjects of this Province on or about the Ninth day of November in the Eleventh year of the Reign of our Sovereign Lord King George &c at the Precinct of Bertie in the County of Albemarle and Province of North Carolina. one Certain Publick Bill of Creditt of Current Money of this Province (to witt) a Publick Bill of Creditt of two shillings of Current money of this Province to reach mention and Come near to the likeness of a Publick Bill of Creditt of twenty Shillings Current money of this

Province feloniously he Caused and Counterfeited and for the Lucre of false gain on or about the same ninth day of Novemb^r in the year of our said Sovereign Lord King George &c the Eleventh the aforesayd Edward Howard the aforesayd false Counterfeit Bill of twenty shillings well knowing the same twenty shilling Bill to be false and Counterfeit at the aforesayd Precinct of Bertie in the County of Albemarle as a good and Publick Bill of Creditt of twenty shillings Current Money of this Province did feloniously utter & dispose of to a subject of our said Lord the King in Great Contempt of an Act of Assembly of this Province in that Case made and Provided in Evil example to the Kings Subjects and also against the Peace of our said Sovereign Lord the King his Crown & Dignity &c.

THOMAS BOYD

Attorney Generall.

Upon which Indictment the sayd Edward Howard was Arreignd and upon his Arreignment pleaded (Not Guilty) and for tryall thereof put himself upon God and Country Whereupon the Marshall was comanded to cause to come twelve &c by whom &c who to neither &c and there came (viz^t) Joseph Sanderson Willm Benbury. Mathew Adams William Swinston Thomas Jones John Rasberry William Yates Francis McClenden Charles Ricketts Ross Bell Edward Moore William Parker. Who being Impannelled and sworne &c say Wee of the Jury find the sayd Edward Howard (Not Guilty)

Whereupon he was Order^d to be Discharged paying the fees Accruing by this Prosecution. Order^d that the twenty shilling Bill be Lodged in the Office for farther Evidence against John Williams

To the Hon^{ble} Thomas Pollock Esq: Cheif Justice and to the rest of the Justices for holding the General Court of this Province

The Jurors for our Sovereign Lord the King upon their Oaths do Present that John Williams of Bertie Precinct in the County of Albemarle in the Province of North Carolina Planter not having the fear of God before his Eyes the sayd Lord the Kings good and faithfull Subjects of this Province Contriving to Deceive and Cozen and for the Lucre of false Gain on or about the tenth day of November in the Eleventh year of the Reigne of our Sovereign Lord King George of Great Brittain &c at the Precinct of Bertie in the County of Albemarle and Province of North Carolina one certain Counterfeit Bill Mentioning and Expressing to be a Publick Bill of Creditt of twenty shillings Current money of this Province and well knowing the same twenty shillings Bill to be a Counterfeit Bill then & there at the day and Place aforesayd

did feloniously utter and Dispose of the same Counterfeit Bill to a Good and faithfull subject of our said Lord the King & for a good and Publick Bill of Credit of twenty shillings Current Money of this Province in Contempt of an Act of Assembly of this Province in that Case made and Provided In Evil Example of the Kings Subjects and also against the Peace of our Sovereign Lord the King his Crown and Dignity

THOMAS BOYD P Dom Rege

To which Indictment the sayd John Williams being called to answer appeared And there not appearing not sufficient Evidence Upon Motion of M^r Attorney Generall Order^d that he continue in Custody till the next General Court for Evidence on behalf of our Sovereign Lord the King.

And the said John Williams acknowledged himself indebted to our Sovereign Lord the King in the sum of five hundred pounds and James Castellaw and Francis Pugh in the sum of two hundred and fifty Pounds each to be Levied upon their severall Lands & Tenements Goods & Chattells with Condition that the sayd John Williams do personally appear here the third day of the general Court and prosecute his Traverse to the Indictment found against by the Grand Jury with effect and not depart the Court untill Discharged therefrom and that in the mean time he be of his good behaviour then this Recognizance to be Voyd Else to be and remaine full force.

Upon Motion of the Attorney Gen^l Order^d that Process issue against Charles Jones for his Appearance &c to answer such matters as shall be alleadged against him for Hoggstealing

To the Hon^{ble} Thomas Pollock Esq cheif Justice and to the rest of the Justices for holding the Gen^l Court of this Province.

The Jurors for our Sovereign Lord the King on their Oaths do present that John McCormack, Bartholemew McGowen Labourers and Susana McGowen wife of the said Bartholemew Spinster all late of Craven Precinct in Bath County in the Province of North Carolina on the eleventh day of January in the year of our Lord one thousand seven hundred and twenty four in the Eleventh year of the Reign of our Sovereign Lord King George &c by force & Armes &c at Newbern Town in the Precinct of Craven aforesayd one certain Gun ten pounds weight of Gun Powder ten pounds of shott six pounds of Muskett Bullets two peices of Gold seven suits of Lased and Plain dinners two plain Capps three Silk Handkercheifs three white Handkercheifs one Silver Buckell three

Gowns and three Pettycoats four shifts four yards Broad Lace one Payr Stays three linen aprons two blew aprons One Muslin head two small Holland shirts two Dimety Jacketts one pack of Cards two pair Cheque Linen Britches one Pair Ozenbriggs Britches one white Jackett three Garlix Shirts one Cheque Lining Shirt two Knives and fforks a Silk Apron bound with Silver Lace one fann two ounces fine thread half a Pound Brown thread one silk Lace some Ribbands one Ivory comb three Bonnets half a Yard of Calico Some Wollen Yarn some Buttons of Spunn Cotten half thousand of needles one thousand Pinns all of the value of ffifty Pounds Current Money of the Proper Goods and Chattells of Caleb Metcalfe, of Newbern Town aforesayd and also one forty shillings Bill and one ten shillings Bill of the Publick Bills of Credit of this Province belonging to the sayd Caleb Metcalf they the aforesayd John M'Cormack Bartholemew M'Gowen and Susanna M'Gowen at Newburn Town aforesayd then and there being did feloniously take steal and carry away—and also one Pair Large Silver Spurrs one Holland Shirt of the goods and Chattells of Robert Atkins late of Newburn Town aforesayd of the value of ffour Pounds Sterling in the dwelling house of the sayd Caleb Metcalf in Newburn Town aforesayd then and there being they the sayd John M'Cormack Bartholemew M'Gowan and Susanna M'Gowan did ffeloniously take steal and carry away Contrary to the Peace of our Sayd Sovereign Lord the King that now is his Crown & Dignity

THOMAS BOYD Attorney Generall.

Upon which Indictment the sayed John McCormack Bartholemew McGowan and Susanna McGowan was Arreigned and upon their Arreignment pleaded Not Guilty. And for tryall thereof put themselves upon God and Country. Whereupon the Marshall was Comanded to cause to come twelve &c by whom &c who to neither &c and there came Joseph Sanderson William Benbury Mathew Adams William Swinson Thomas Jones John Rasberry William Yates ffrancis McClenden Charles Ricketts Ross Bell Edward Moore William Parker Who being Impannelled and Sworn say Wee of the Jury do find the Prisoners at the Barr severally Guilty of Petty Larceny goods to the value of ffour shill^s and eleven pence then the sayd Prisoners being asked if they had anything to say why Sentence should not pass against them as the Law in that case hath provided And they offer'd nothing in avoydance thereof It is therefore Considered that they the sayd John McCormack Bartholemew McGowan Susanna McGowan at the Whipping Post shall receive thirty nine Lashes each on their bare Backs And also that they pay all fees and Costs accruing by Reason of their Prosecution.

To the Hon^{ble} Thomas Pollock Esq Cheif Justice & the rest of the Justices for holding the Gen^l Court for this Province.

The Jurors for our Sovereign Lord the King upon their Oaths do present that Thomas Cook of Chowan Precinct in Albemarle County in the Province afores^d Bricklayer on the twenty second day of November in the Year one thousand seven hundred and twenty four in the eleventh year of the Reigne of our Sovereign Lord King George &c at Edenton in the Precinct of Chowan aforesayd by force & Armes did beat Batter and otherwise abuse one Christian Heidleberg then then and there a Depty Marshall for the Precinct of Chowan aforesayd in the County of Albemarle in the Execution of his sayd office and other Enormitys to him the sayd Christian Heidelberg did then and there offer and do with like force & armes against and in great Contempt of an Act of Assembly of this Province in that case made and Provided and against the Peace of our Sovereign Lord the King his Crown & Dignity &c.

THOMAS BOYD Attorney Generall.

To which Indictment the said Thomas Cook pleaded Not Guilty and the sayd Thomas Cook acknowledged himself indebted to our Sovereign Lord the King in the sum of fforty pounds and John Ricard and Nathaniel Hall in the sum of Twenty pounds each to be Levyed upon their severall Lands & Tenements good and Chattells with Condition that the said Thomas Cook do personally appear here the third day of the next Generall Court and Prosecute his Traverse found against him by the Grand Jury with Effect & not depart the Court untill Discharged therefrom and that in the mean time he be of his good behaviour then this Recognizance to be Voyd Else to be and remain in full force and Virtue

A Bill of Indictment being presented to the Grand Jury aforesayd against John Perkins for ffeloniously entring into the House of Williams Stephens of Pasquotank Precinct and taking and carrying away divers Goods of the sayd William Stephens Returned to the Court here (Ignoramus) he is therefore Discharged by Proclamation and May go hence without Day Paying Costs

Henry Clayton Gen^t and William Little Esq^r being called to answer an Indictment found against them by the Grand Jury to which they pleaded (Not Guilty) Mov'd to the Court and Prayed Leave to withdraw their Plea and Submitted themselves to the Court.

It is therefore Consider'd and Order'd that the sayd Henry Clayton and William Little be Dismist Paying Costs Accruing by this Prosecution.

And then the Court adjourned

T. POLLOCK C. J.

NORTH CAROLINA—SS.

At a Generall Court of Oyer and Terminer and Gaol Delivery held at the Courthouse in Edenton begun on Tuesday the twenty seventh day of July one thousand seven hundred & twenty five and continued by severall adjournm^{ts} to the Second of August following.

Present Christopher Gale Esq: Cheif Justice

Edmund Gale } Esq^s Assistants
John Alston }

The following persons were impannell'd and Sworne of the Grand Jury viz^l

Coll ^o John Worley	M ^r Tho ^s Lovick	M ^r Tho ^s Bryant
Cap ^t Sam ^l Patchett	M ^r Charles Denham	M ^r John Holbrook
M ^r Tho ^s Parris	M ^r Nathaniel Hall	M ^r John Worley Jun ^r
M ^r John Ismay	M ^r John Solley	M ^r Joseph Sanderson
M ^r Jon ^s Evans	M ^r David Bailey	M ^r Robert Lowry
M ^r Henderson Luton	M ^r John Conner	M ^r Joshua Worley

who being charged with things proper for their enquiry withdrew and Consider^d the severall matters given them in charge and on their returne presented the following Bills of Indictment viz^l

A Bill of Indictment against Johnathan Ireland for feloniously Stealing of an Anchor

A Bill of Indictment against John Phillips for feloniously stealing of an Anchor.

A Bill of Indictment against Joseph Gowen alias Smith for Larceny.

A Bill of Indictment against Joseph Gowen alias Smith for Larceny.

A Bill of Indictm^t ag^t John Cotton for marryⁿ a Molatto Man to a White woman.

And then the Grand Jury was discharged from further Attendance at this Court

NORTH CAROLINA—SS.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against John — phillips for stealing of an Anchor in these words viz^l

To the Hono^{ble} Christopher Gale Esq: Cheif Justice and to the rest of the Justices of the Gen^l Court now sitting

The Jurors of Our Sovereign Lord the King on their Oath do present that John — phillips of Bath County Marriner not having the fear of God before his eyes but being moved by the instigation of the Devill at Bath Town in the said County of Bath on or about the fifth

day of June in the year of Our Lord One thousand Seven hundred and twenty five did fraudulently & feloniously Steale take and carry away one Iron Anchor from a Scooner or Vessell belonging to One Joseph Dowden of Bath Town in the County of Bath aforesaid of the value of ten shillings contrary to the peace of Our said Lord the King that now is his Crown and dignity &c.

Upon which Indictment the said John — phillips was arraign^d and upon his Arraignment pleaded not Guilty and for tryall thereof putt himself upon God and the Country and William Little on the behalf of our Lord the King likewise. Whereupon the Marshall was comāded that he should cause to come twelve &c. by whom &c. who to neither &c and there came Viz^l Cap^t John Pettiver Thomas Luton Jun^r John Harloe Thomas Mathews Jeremiah pratt Constant. Luton John Lewis William Benbury John adderley Thomas Stubbs Edward patchett and John Ward Who being impannelled and Sworne &c. do say upon their oath that he is (Not Guilty) Whereupon he was order^d to be discharg^d paying fees

Thomas Harding & Joseph Johnson being bound by Recognizance to appear and give Evidence on behalf of Our Sovereign Lord the King ag^t the said John Phillips and failing to appear (tho' Solemnly required) Ordered that a Seire facias do issue comāding them to appear at the next Court & shew cause (if any they have) why the said Recognizance should not be declared forfeited.

Jonathan Ireland being called to answer the Indictment aforesaid found against him by the Grand Jury for stealing an Anchor from Joseph Dowden accordingly in Custody of the Marshall to the Barr was brought Whereupon William Little Esq: Attorney Gen^l on behalf of Our Sovereign Lord the King also came into Court and confessed that the Indictment aforesayd against the sayd Jonathan Ireland he will no further prosecute. Whereupon it was consider^d of by the Court here & Orderd, that he be discharg^d paying the fees &c.

On the petition of Joseph Dowden praying to be allow^d for his attendance &c. as Evidence on the behalf of Our Sovereign Lord the King ag^t John phillips & the said Jona: Ireland Order^d that they pay him for four days travellⁿ twenty per day per day five days attend^a at halfe-a-Crown p^r day and ten shill^s for ferrying in all twenty nine shill^s and two pence with Costs alias Exōn

NORTH CAROLINA—SS.

William Little Esq: Attorney Gen^l comes to Prosecute the Bill of Indictment found by the Grand Jury against Joseph Gowen alias Smith of Chowan Precinct Mariner for Larceny in these Words viz^l

To the Hono^l ^e Christopher Gale Esq: Cheif Justice & the rest of the Justices of the Gen^l Court now Sitting

The Jurors of Our Sovereign Lord the King on their Oath doe present that Joseph Gowen alias Smith of Chowan Precinct Marriner not having the fear of God before his Eyes but moved by the Instigation of the Devill in the precinct of Chowan aforesaid on or about the seventeenth day of this instant July in the year of our Lord one thousand seven hundred & twenty five by force and armes did fraudulently and feloniously Steal take and carry away from the house of Patrick Ogilby of Edenton in the precinct of Chowan aforesayd one payr of shoes of the value of eleven pence against the peace of Our Sovereign Lord the King that now is his Crown & dignity &^e

Upon which Indictment the said Joseph Gowen alias Smith was arraign^d and upon his arraignment pleaded (Not Guilty) and for tryall thereof putt himself upon God and the Country and the said William Little on the behalf of our Lord the King likewise

Whereupon the Marshall was comanded that he should cause to come twelve &^e by whom &^e who to neither &^e and there came viz^l Cap^t John Pettiver M^r Tho^s Luton Jun^r John Harloe Thomas Mathews J — pratt Const: Luton John Lewis William Benbury John Adderley Tho^s Stubbs Edward patchett & John Ward who being impannelled and sworn &^e do say upon their Oath Wee of the Jury find the Prisoner Guilty.

Then the sayd Gowen alias Smith being asked if he had anything to say why sentence should not pass against him as the Law in that Case hath provided and he offering nothing in avoydance thereof It was then and there Consider^d and Adjudg^d that he should be carried to the publick Whipping post and there to receive twenty one lashes on his bare back well layd on & to remayne in Custody till fees are payd.

Joseph Gowen alias Smith being called to answer the Indictment aforesaid found against him by the Grand Jury for Larceny accordingly in the Custody of the Marshall to the Barr was brought Whereupon William Little Esq^r Attorney Gen^l on behalf of our Sovereign Lord the King also came into Court and confessed that the Indictment aforesaid ag^t the sayd Joseph Gowen alias Smith he would no farther prosecute

Whereupon it was Consider^d of by the Court here and Order^d that he be thereof discharg^d paying fees

John Ballard being bound by Recognizance to appear &c: at this Court accordingly came and no person appearing to prosecute or give evidence against he was discharg^d paying the Costs

And now here at this day (viz^l &c) came the aforesayd John Williams to traverse a Bill of Indictment found against him by the Grand Jury at the last Court and no person appearing to prosecute or give evidence against him he was discharg^d paying fees.

And now here at this day (viz^l &c) came the aforesaid Thomas Cook to make answer to a Bill of Indictment found ag^t him by the Grand Jury at the last Court but Christian Heidelbergh Informer on the behalf of our said Lord the King nor any other person appearing to prosecute or give evidence against him he was discharg^d by proclamation paying Costs.

James Spier being brought before this Court by Virtue of a Warrant from the Cheif Justice to make answer to a Complaint filed against him from the Court held for the precinct of Bertie for uttering and passing in payment a Counterfeit Bill of three pounds and for want of Evidence he was admitted by the Court here to clear himself by his own oath and was thereupon discharg^d paying Costs.

Order^d that the aforesaid three pounds Bill be layd before the next Assembly.

Thomas Boyd Esq: Solicito^r Gen^l prayed leave of this Court to be discharged from his sayd Office which was accordingly granted.

And he made Oath in open Court that he hath deliver^d all papers & other things relating to his sayd Office or as Attorney Gen^l to William Little Esq: who succeed^d him in his sayd Office of Attorney Gen^l

And at his motion the same is Order^d to be recorded

John Cotton (being Solemnly required) to appear & make answer to the Bill of Indictment found against him for marrying a Molatto Man to a White Woman came not, Whereupon it was Consider^d and order^d that a Capias should issue requiring him to appear &c at the next Court on the last Tuesday in October next.

David Rees being bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute or give Evidence ag^t him he was discharg^d paying fees.

Major Henry Bonner being bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute or give Evidence ag^t him he was discharg^d paying fees.

John Lovick Esq: being bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute or give Evidence against him he was discharg^d by Proclamacon paying fees

Hill Savage and Elizabeth Harrison being both bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute or give Evidence ag^t them they were discharg^d payⁿ Costs

Thomas Cooke being bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute or give Evidence ag^t him he was discharg^d paying fees.

Amariah Berry being bound by Recognizance to appear at this Court accordingly came and no person appearing to prosecute he was discharg^d paying fees

And now here at this day (Viz^l &c) the aforesayd William Charlton Jun^r tho' Solemnly required came not nor doth it appear to the Court here that he hath been Served with process according to the Order of the last Court It is therefore Order^d that process do issue requiring him to appear at the next Court on the last Tuesday in October next.

And now here at this day (viz^l &c) the aforesayd Thomas Ball tho' Solemnly required came not nor doth it appear to the Court here that he hath been served with Process according to the Order of the last Court. It is therefore Order^d that a scire facis do issue requiring him to appear at the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c.) the aforesaid David Vincent (tho' Solemnly required) came not nor doth it appear to the Court here that he hath been Serv^d with a Scire facias according to the Order of the last Court it is therefore Consider^d and Order^d to a Scire facias do issue requiring him to appear &c. at the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c.) the Informations filed by William Daniell against John Jones Joseph Jones John Jornagen John Spier James Moore and William Moore at the motion of the Attorney Gen^l are continued till the next Court on the last Tuesday in October next and Sumons are Order^d to issue requiring them to appear &c.

On the petition of Patrick Ogilby praying that he may have his goods restored to him which were feloniously taken from him by Joseph Gowen alias Smith it is Consider^d and Order^d that a Writt de bonis restituendis do issue directed to the Provost Marshall thereby comāding him to restore to the said petitioner his goods aforementioned

William Reed Rich^d Sanderson John Blount & Henry Clayton Esq^s members of the Councill and Justices of the Peace in the Gen^l Comis-

sion took and subscrib^d the Oaths and Declara^on by Law appoynted for their Qualifica^on also the Oath of a Justice of the Peace

And then the Court Adjourn^d

C. GALE C. J.

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer and Terminer & Goal Delivery held at Edenton begun on Tuesday the twenty sixth day of October one thousand Seven Hundred & twenty five and continued by severall Adjournments to the thirtieth day of the same Month.

Present

The Hono^{ble} Christopher Gale Esq: Cheif Justice

Edmund Gale	} Esq ^s Justices of the Peace for this Governm ^t
William Downing	
Robert LLoyd	
John Alston and	
Thomas Lovick	

The following persons were impanell^d and Sworne of the Grand Jury viz^l

Mr Joseph Sanderson	Mr Paul Palmer
Mr Constant: Luton	Mr John Norton
Mr Sam ^l Phelps	Mr John Woodhouse
Cap ^t Cha: Denham	Mr John Armor
Mr W ^m Daniell	Mr John Cotton
Mr Edward Wingate	Cap ^t James Boon
Mr James Williamson	Mr George Winns
Cap ^t Sam ^l Patchett	Mr Dan ^l Garrett
Mr William Roades	Mr John Relf.

who being charg^d with things proper for their Enquiry withdrew and Consider^d the severall matters given them in charge and upon their Returne presented the following Bills of Indictment viz^l

A Bill of Indictment against Margaret Scott for Felony.

A Bill of Indictment against Thomas Swann for Trespas & Misdemean^r

A Bill of Indictment against Mackroro Scarbrough for forgery.

A Presentment against John Hinton Overseer of the Highway between Catharines Creek Bridge and Bennets Creek Bridge for not keeping the sayd Road in repayr.

And then the Grand Jury was discharg^d from further Attendance at this Court

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against Margaret Scott for Felony in these Words Viz^l

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice & the rest of the Justices of the Generall Court &c.

The Jurors of our Sovereign Lord the King on their Oath do present that Margaret Scott Wife of Bartholemew Scott of Innholder not having the fear of God before her Eyes but being moved by the instigation of the Devill at Edenton in the County of Albemarle on or about the sixteenth day of August in the year of Our Lord one thousand seven hundred and twenty five by force & Armes did fraudulently and feloniously steal take & carry away a parcell of drest Deerskins out of Capt. John Gibbs^s Boat of the value of fifty shill^s contrary to the Peace of our Sovereign the King that now is his Crown & Dignity &c. Upon which Indictment the said Margaret Scott was arraigned and upon her Arraignm^t pleaded (Not Guilty) and for tryall thereof she putt herself upon the Country and William Little on the behalf of our Lord the King likewise Whereupon the Marshall was commanded that he should cause to come twelve &c by whom &c who to neither &c and there came viz^l Francis Branch William Charlton Jun^r John Charlton Thomas Taylor Rich^d Willson Media White Mathew Adams Rich^d Skinner Tho^s Mathews Ralph Bozman Luke White and Joshua Calloway who being impannelled and Sworne &c do say upon their Oath that she is Not Guilty.

Whereupon she was Order^d to be discharg^d after paying the fees accruing by this Prosecution.

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment ag^t Thomas Swann of the precinct of pasquotank in the County of Albemarle in the Province of North Carolina aforesaid Gen^t found by the Grand Jury in these Words Viz^l

To the Hono^{ble} Christoph^r Gale Esq: Cheif Justice & the rest of the Justices of the Gen^l Court &c.

The Jurors of our Sovereign Lord the King on their Oath do present that Thomas Swann of the precinct of Pasquotank in the County of Albemarle in the province of North Carolina aforesaid Gen^t not having the fear of God before his eyes but evilly and Sediciously disposed on the thirteenth day of September in the year of our Lord one thousand seven hundred and twenty and five in the precinct of Curratuck in the County

and province aforesaid intending to move Sedition mutiny and dissention in the said province to subvert the Laws and to disturb and obstruct the present good just and Solid Administra^on of Government at present establish^d did Scandalously abusively seditiously and contemptuously behave himself towards his Majesty's Justices of the said precinct Court of Curratuck then sitting by lawful Com^oission in open Court and especially towards John Woodhouse Gen^t one of the Justices of the said Court then and there on the Seat in Open Court for the Administra^on of the Laws Sitting in the Execution of his Office and in Order to bring the said John and the said Court into contempt with the people and the better to move and instigate others to mutiny and Sedition and to oppose and obstruct the present Governm^t did then & there speak utter publish and declare these false scandalous threatening and grevous abusive & malicious Speeches within the hearing of a great number of his Majesty's Leidge people to the said Court and especially to the sayd John Woodhouse Viz^t You (the said John Woodhouse then as a Justice acting) are a pittifull fellow & a Rascall And further the said Thomas Swann thereon going to the Courthouse door drew his naked sword which having in his hand he turn^d about toward the said Woodhouse and the said Court and in a contemptuous threatening manner did utter these Seditious malicious false & opprobious Words Damn you (the said John Woodhouse Justice and in the Execution of his office sitting) I value you not and I value none of you (the whole Court then sitting meaning) and then with his naked sword in his hand in a menacing and seditious manner & intending to move others to joyn with him in his sedition against the Government did menace and behave himself in contempt and defiance of the said Court and being brought into Court by the Marshall to answer for his contemptuous behaviour & being asked by Coll^o William Reed the first Justice in Com^oission in the said Court and one of the Members of the Councill of this Province then in open Court with the other Justices sitting and acting if he the said Swann Knew who he was before he replied Yes he was before one that used to hold the Stirrop for a Bitt and he (the said Swann meaning) to give him (the said William Reed Esq: meaning) a Bitt as well as another in Contempt of the said William Reed and his authority, And soon after that he the said Swann going out of the said Court in Contempt and defiance of the sayd Court again at the Courthouse door did draw his sword and in a menacing and threatening manner to the Said Court said Damn you Gen^t (the whole Court then & there in the Execu^on of their Office meaning) I do not value any of you at all to the great discouragement and Contempt of the said Court and

obstruction of them in the Execution of their Office and that soon afterwards Viz^l on the same day upon him the said John Woodhouse Justice as aforesayd in the peace of our Lord the King being in the Court yard of the said Court without any provocation given the said Tho^s Swann his naked sword drew and the same violently did thrust against the body of the said John which being putt by with a stick by the said John it missed his body the sword was run through the thumb and arm of the said John & him grevously wounded who attempting to escape the said Thomas did again thrust his Sword against his back which breaking the poynt he the said Thomas did immediately thrust severall times against the body of the said John with a malicious and evil intent to kill and murther the said John a Justice of peace as aforesaid all which seditious & ill behaviour being done and perpetrated by the said Thomas by force and Armes in contempt of the Authority of this Government Established and the Laws and peace thereof; and his aforesaid false scandalous and opprobrious and seditious words intending to move Sedition and obstruction of the said Justices in the Execution of their Office and the said Court and present Administracon of Government to bring them into disrepute and discredit with the people and in Order to Stirr Sedition and disturbances are ag^t the peace of our Said Lord the King that now is his Crown and dignity &c contrary to the Laws and Statutes in such Case made & provided &c.

And on the Motion of the sayd Attorney Gen^l It is Order^d that Venire facias do issue requiring him to appear at the next Court on the last Tuesday in March next on the third day of the said Court to make answer to the said Indictment.

Bartholemew Scott being bound by Recognizance to appear &c accordingly came and was thereof dismiss without day paying Costs.

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against Mackroro Scarbrough of the precinct of Pasquotank planter for perjury in these Words viz^l

To the Hono^{ble} Christopher Gale Esq Chief Justice and the rest of the Justices of the Gen^l Court &c.

The Jurors of our Sovereign Lord the King on their Oath do present that Mackroro Scarbrough of pasquotank precinct planter in the precinct aforesaid at the precinct Court began and held for and within the said precinct on the third Tuesday in July Anno Dni one thousand seven hundred and twenty five came before the Justices of the Court in open Court then sitting by lawfull Comission and authority and did then and

there swear and make Corporall Oath on the Holy Evangelists of God before the said Justices who had sufficient and lawfull authority such Oath to administer and who the same in Court did administer to the sayd Mackroro who then and there upon his sayd Oath falsly maliciously and voluntarily and corruptly deposed swore and in writing under his hand did on Oath give in Exhibit & produce a certain account which is styled an Inventory and Sale of all the Goods & Chattells of Jeremiah Finch late of this province as they were sold at publick Vendue Mackroro Scarbrough Administrator sold at pasquotank the fourteenth day of December one thousand seven hundred and twenty four to the severall persons therein mention^d amounting in the whole to the sum of fifty four pounds sixteen shill^s & six pence & containing the goods sold the time the prizes & persons as in and by the said Writing or Inventory filed in the Clerk's Office of the sayd Court appears Which said Inventory on Oath as aforesaid was then & there exhibitted and done by the said Adm̄tor: on his part for and in respect or behalf of the persons claiming right to the said Estate at the direction of the Gov^r being ordinary pursuant to Law when in truth and indeed the said acco^t or Inventory was not a just and true acco^t or Inventory but false particularly in that there was twenty odd yards of Canteloon sold at the said Vendue by the said Adm̄tor at two shillings and seven pence p^r yard whereof there is no mention made in his Inventory Secondly the Article of thirty three silk muslin Handkercheifs therein said to be sold to been sold to him Adm̄tor at twelve pounds seven shillings and sixpence which were not all sold to him nor at the price there charg^d but a much higher Viz^l fourteen of them sold John Cartwright at Eleven shill^s a peice the rest at eight shill^s and sixpence and eight shill^s and eleven pence halpeny a peice; thirdly the Article of the sword pistols and Gunn and old Cloaths charg^d at six pounds in two articles were sold in one Lott for thirty one pounds ten shill^s at which time Viz^l on or about the fourteenth day of December one thousand seven hundred twenty four was severall other things sold to the value of seventy odd pounds and severall goods of the Estate of Jeremiah finch which was then in the hands of the said Scarbrough not then exposed to sale. And yet the whole of his Acco^t and sale amounts to but fifty four pounds sixteen & six pence as also in sundry other things the said Acco^t is false of all which the said Mackroro Scarbrough not being ignorant did falsely maliciously witting and willingly and corruptly to the same depose make Oath and swear then and there and the writing being sworne as aforesaid did affirm the same to be a Just and true Acco^t & so the said Mackroro Scarbrough the day

and year abovesaid in the precinct aforesaid before the said Justices in open Court sitting with full power to administer the said Oath to the said Mackroro Scarbrough falsely maliciously voluntarily and corruptly did comit a voluntary and corrupt perjury contrary to law & against the peace of our Lord the King that now is his Crown and Dignity &c.

And the said Mackroro Scarbrough in his own proper person came and acknowledged himself indebted to our Sovereign Lord the King in the sum of fifty pounds sterling and Thomas Swann & Benjamin Peyton in the sum of twenty five of like money each to be levied on each and every of their Goods and Chattells Lands and Tenements &c: With condition that the said Mackroro Scarbrough shall personally be and appear at the next Gen^l Court held for this Government at Edenton the last Tuesday in March next on the third day of the said Court then and there to make answer to the said Indictment &c

A Bill of Indictment having been presented to the Grand Jury aforesaid against Mary Thornton on suspicion of Larceny which Bill was return^d to the Court here Ignoramus she was thereof discharg^d without day paying fees.

A Bill of Indictment having been presented to the Grand Jury aforesaid against Margaret Scott Wife of Bartholemew Scott of Edenton Innholder on suspicion of Larceny which Bill was return^d to the Court here *Ignoramus* she was thereof discharg^d and may go hence without day paying Costs.

And now here at this day (Viz^l &c) William Charlton Jun^r in his own proper person came and there appearing no person either to prosecute or give Evidence against him he was discharg^d thereof without day paying Costs.

John Rice being bound by Recognizance to appear &c at this Court accordingly came and is dismiss without day paying Costs.

Thomas Ball being bound by Recognizance to appear &c at this Court accordingly came and is dismiss without day paying Costs.

Robert Route Esq: being bound by Recognizance to appear &c at this Court accordingly came and is dismiss without day paying Costs.

Joseph Young being bound by Recognizance to appear &c at this Court accordingly came and was dismiss without day paying the Costs.

James Pottar being bound by Recognizance to appear &c at this Court accordingly came and was dismiss without day paying the Costs

John Norcomb being bound by Recognizance to appear &c at this Court accordingly came and was thereof dismiss without day paying Costs.

Bartholemew Scott of Edenton Ordinary keeper being bound by Recognizance to appear &c: at this Court accordingly came and is thereof dismiss without day paying Costs.

And now here at this day (Viz^l &c.) the said John Cotton in his own proper person came &c. And William Little Esq: Attorney Gen^l on behalf of our said Lord the King also came and confessed that the Indictment aforesaid ag^t the said John Cotton he would no further prosecute Whereupon it is Consider^d by the Court here and Order^d that he be thereof dismiss without day paying Costs.

And now here at this day (Viz^l &c) the aforesaid Thomas Ball thō solemnly required came not; and it being given to the Court here to understand that the said Ball is fledd and not to be found in this Government Therefore It is Order^d that the said Recognizance be discharg^d

Dom Rex v. David Vincent Recogn: dismiss by the Court.

Dom Rex v. Johnson and Harding Recogn: to appear and give Evidence ag^t John Phillips dismiss by the Court.

Peter Young being bound by Recognizance to appear &c at this Court and therein failing; It is therefore Order^d that a Scire facias do issue commanding him to appear at the next Court on the last Tuesday in March next on the third day of the said Court to shew cause if any he has why his Recognizance should not be declared forfeited.

Joseph Barrow being bound by Recognizance to appear &c at this Court &c accordingly came and is dismiss without day paying the Costs.

James Smith being bound by Recognizance to appear &c at this Court accordingly came and was dismiss without day paying Costs.

Samuel Swann Gen^t having been taken into custody for a Misdemeanor was now here brought and is dismiss without day paying costs.

William Fryley being bound by Recognizance to appear &c accordingly came and was dismiss without day And it is further Order^d that the Costs be paid out of the Goods found in his hands.

The appeal of Henry Baker from the Judgment of the Court held for the precinct of Bertie in August last to this Court is referr^d to the next Court on the last Tuesday in March next; And it is further Order^d that Summons shall issue for Coll^o William Maule then and there to be and appear &c.

The petition of of Benjamin Peyton Administrato^r of William Bell deceased is referr^d till the next Court on the last Tuesday in March next

And now here at this day (viz^l &c) the aforesaid John Jones Joseph Jones John Jornagen John Spier James Moore W^m Moore being summon^d accordingly came and the severall Bills of Indictment presented to the Grand Jury being returned Ignoramus they were discharg^d

Paul Palmer by William Little his Attorney comes to prosecute his Writ of Error granted by the Chief Justice to reverse an Order of the Court of the Precinct of Perquimons with Supersideas to stay Execution having filed his Errors And Samuel Phelps an Overseer of the Roades in the said Precinct also came by Thomas Swann his Attorney and hereupon at the Motion and by the Consent of both partys the arguments thereon are referred for hearing till the next Court on the last Tuesday in March next

C. GALE C. J.

And then the Court Adjourn^d
By Order of the Chief Justice
and Assistants

W. BADHAM Clk

1726.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Councill held at the Council Chamber in Edenton the 19th day of January Anno Dom 1726

Present

The Honoble Sir Rich^d Everard Barr^t Gov^r &c

Christ Gale	} Tho ^s Pollock }	Esq ^s Members of the Council
John Lovick		
Edw ^d Moseley		
	} Tho ^s Harvey }	
	} Rob ^t West }	

Edward Moseley Esq^{re} Survey^r Gen^l delivered, in at the Council Table an Abstract of all the Grants of Land in Abemarle County remaining upon Record in the Secretaries Office of this Government Together with Instructions for the Collⁿ of Quit Rents in order to the Framing a Rent Roll

It is ordered that the Secretary do Cause Copies thereof to be made for the Respective Collectors and that he cause to be added the abstract of such Grants as have been lately pass^d

The Governor Informing this Board that Arthur Goffe Esq^r Rec^r General has Departed this Government for Great Britain without Leave from him and the council and declaring that the Office of Rec^r Gen^l was

Vacant Nominated William Little Esq^r for Rec^r General in the Room of the said Goffe and thereupon Desired the approbation of the Council as the Law Directs which being considered of it is Ordered accordingly with a Clause that if the Lords Prop^{rs} approve of his the s^d Goff's going home that the pres^t Rec^r allow the s^d Goffe the same as his Deptys should have done

By order

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

SIR R. EVERARD TO THE BISHOP OF LONDON.

EDENTON NO. CAROLINA Jan. 25. 1725(6)

My Lord

We have one Thos. Bailey who calls himself a Missionary, he formerly was in Philadelphia, and turned out there for a scandalous drunken Man. came into Virginia & turned there likewise out for his Vile actions, then came into my Province where if he could get credit or money would be continually drunk & breaking windows or be fighting, this Bailey lately came into Edenton, where I reside & for 2 days kept himself much disordered in liquor, on the next day being on a Saturday, he spoke to my son, to desire him to procure my leave for him to preach which I positively denied him, at which he was very uneasy & by the instigation of Burington the late Gov^r he came to me on Sunday about 12 o'clock & demanded the Key of the Court house. which I also refused, on which he told me, if the Court house door was not opened for him, it shall be broke open & immediately went to the Door & broke it open. in this court house are kept all records, & the journals of the assemblies, on which the chief justice, bound him over to our general court. Mr. Burington is his bail. he is I am informed in a distant part of this country. call'd Pasquotank a preaching up rebellion. & begg your Lordship, If I prosecute him according to our laws here for his enormous crimes & his acting out of his sphere. Your Lordship will pardon me. I'm well assured Mr. Baileys life & character is parallell if not superlative to Mr. Nathaniel Gentry on whom your Lordship executed the greatest justice. I'm greatly obliged to your Lordship for obliging me with my request & admitting the Rev^d Mr. Blacknell to come with me to Carolina. he is a Gent^m that's a very good Preacher. a Gent^m perfectly sober, belov'd by all but Mr. Burington's Party. He has made about 160 Christians since

he has been here & I don't in the least doubt, but he'll double that number before he has been here a twelve month. I beg your Lordship will oblige us with three other Missionaries: one for Bartie, another for Bath & a 3rd for Pasquatank, we are a most heathenish part of America & have no sect amongst us but Quakers who daily increase. I thought it proper to acquaint your Lordship of this, that the Society may favor us, with sober & pious men, if not having such a man as Mr. Bailey, he will be despised & ridiculed, I must beg your Lordships pardon in writing in so great a hurry not knowing of this opportunity till within this 2 days & my secretary so sick he cant put pen to paper I am forced to write all my dispatches myself therefore beg you'll excuse all interlineation & errors in, My Lord

Your Lordships most faithful humble Servant

RICH^d EVERARD

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

MR. BLACKNALLS AFFIDAVIT RELATIVE TO MR.
BAILEY.

NORTH CAROLINA—SS.

Before Sir Rich^d Everard Bart. Gov^r Capt. General & Admiral of S^d Province.

The Rev^d Mr. John Blacknell being sworn on the Holy Evangelists.

Saith That on the 20th Day of Nov^r last, being designed on a journey to the Indian Town to preach, he accidentally met with Mr. Thos. Bailey (a clergyman) at Edenton who addressing himself to this Deponent amongst other things they had some discourse of this Deponents Journey, whereupon he, the s^d Bailey told the Deponent, that he had been with the Gov^r & was then going to him again & believed that Sir Richard would ask him to Preach & begged of this Deponent if he had the Gov^{rs} approbation to give him the use of his Pulpit, but this Deponent having heard a very vile and infamous character of the s^d Bailey & knowing Sir Richard was apprised of the character he had, only told him, that if he had the Gov^{rs} leave, he this Deponent had nothing to say against it.

JN^o BLACKNELL.

Taken this 27 day of Jany. 1725(6)

RICH^d EVERARD

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 31st day of March Anno Dom 1726

Present

The Honoble Sir Richard Everard Barr^t Gov^r &c

William Reed	$\left\{ \begin{array}{l} \text{Fran Foster} \\ \text{R Sanderson} \\ \text{Thos Harvey} \\ \text{John Palin} \end{array} \right\}$	Esq ^{rs} Members of the Council
Christ Gale		
J Lovick		
E Moseley		

There having been a Provost Marshall appointed for the County of Bath for several years past and the people having several times since the arrival of M^r Route Provost Marshall for the whole Government petitioned that a Provost Marshall might be appointed for the County as formerly and M^r Route Informing this Board that he could get no Person of Reputation to act under him the profits being very small and being very desirous to resign what right he had in that County as Prov^t Marshall and the Honoble the Governor naming M^r John Bonde for Provost Marshall of Bath County this Board Concured therein

Adjourned till to morrow morning

April y^e 1st met againe Present as before

Henry Clayton Esq^r one of the Members of this Board being Dead and Edmond Gale Esq^r was named to Succeed him and the Council agreeing thereto the said Gale having Qualified himself by taking the Oaths took his Place at the Board accordingly

Read the Petition of David Henderson praying a Lapse Patent on the Land belonging to John Powell de^{cd} lying on the Devils Gutt and Exe^{rs} of the s^d Powell and Guardians to y^e s^d Powells Children petitioning for the same in behalf of the said Orphans the same is refer^d till next Council that Enquiry be made whither they had notice agreeable to the Law of this Province

Read the Petition of John Council and William Bryan setting forth that Thomas Jones and other have Killed and destroyed great Quantities of their Stocks Ranging on the Borders of this Government praying an order from this Board comāding the s^d Jones and his accomplices to desist from killing their Cattle until a Judgm^t can be had at co^mon Law in the Premisses which, this Board considering of the same, is granted. Provided suit is brought at co^mon Law by next General Court

Ordered That Edward Howcot be appointed Messenger to the Council and that the Rec^r General Pay annually out of their Lord^{ps} Revenues Twenty Pounds for his services & attendance

Upon a Caveat Entered by James Reddick against Francis Pugh who petitions to obtain a Lapse patent for Six hundred and Forty acres of Land granted by Patent to the said Reddick lying in Chowan precinct which having been argued by the council on both sides This Board after due consideration of the cause are of Opinion That the Land Petitioned for is not Lapseable Ordered that M^r Pughs petition be rejected

Upon a Caveat entered Sam^l Williams ast Fran^s Pughs petition the petition is rejected

Upon a Caveat Entered by Jonathan Thackrell ag^t Fran^s Pughs Petition Ordered that the s^d petition be Rejected.

For saving of Lands for the future every house shall be fifteen foot long Ten Broad Made tight and habitable of Clapboards or loggs squared with a roof and Chimney place and a Door place The whole acre Cleared well, the Major part of it broke up and planted with either Fruite Trees or grain

By order

[COUNCIL JOURNAL.

NORTH CAROLINA—SS.

At a Council at the Council Chamber at Edenton the 14th day of April Aⁿ D^{on} 1726

Present

The Honoble Sir Rich^d Everard Barr^t Gov &c

{ William Reed Chr Gale John Lovick Edw ^d Moseley	{ Richard Sanderson Tho ^s Pollock Tho ^s Harvey Edmond Gale	{ Esq ^{rs} Members of the Council
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William Little Esq^r having been appointed Rec^r Gen^l It is Ordered that all the Deputies of the late Rec^r Gen^l M^r Goffe farthwith make up their Acco^t and pay what monies they have Rec^d to the Present Receiver.

Ordered that a summons Issue for calling the s^d Deputies to acco^t

Ordered that a New Commission of the Peace Issue for Bertie precinct Directed to Thomas Pollock Esq^r Barnaby Mackenne George Winn James Castellaw Thomas Bryant John Holbrook Henry Speller John Dew Edward Howard Lawrence Sarson Sam Williams and John Spiers

Ordered that a new Commission of the Peace Issue for the precinct of Craven Directed to the old members and William Willson and Jacob Sheets

By order

[B. P. R. O. PROPRIETIES. B. T. VOL. XII. R. 101.]

THE JOURNAL OF THE LOWER HOUSE OF ASSEMBLY
MET IN APRIL 1726.

NORTH CAROLINA—SS.

Att a Gen^l Biennial Assembly held att Edenton the 5th Apr^l 1726 the following Members meet att the Usual Place at Queen Annes Creek in Chowan precinct according to Adjournment.

Geo: Burrington Esq^r Maj^r Hen^{ry} Bonner, Maj^r Cullem Pollock Capt. W^m Downing, M^r Edm^d Porter, M^r Joseph Jessop, M^r Sam^l Swann, M^r Chas: Deningin, M^r M^cCory Scarbro, M^r Rob^t Morgan, M^r James Winright, M^r Gabr^l Burnham, Capt. Jos^{ph} Sanderson M^r R^d Church, M^r Jno: Woodhouse M^r Jno. Baptiste Cushe,* Doct^r Patrick Maule, M^r Isa^h Hill. M^r James Castellaw, M^r Tho: Parris

Rob^t Route Esq^r lay'd before the House the following returns

For Chowan Geo: Burrington Esq^r, Edm^d Porter, Cullem Pollock, W^m Downing, Hen^{ry} Bonner.

Pequimans—Joseph Jessop, Sam^l Phelps, M^r Thos: Speight, Sam^l Swann, Chas: Denman—Pasquotank. Tho: Swann. M^cCory Scarbro, Jam^s Winright, Gabr^l Burnham, Rob^t Morgan—Currytuck—Rich: Church, Henry Woodhouse, Jno: Woodhouse Jno: Etheridge, Jos: Sanderson,—Bertie—W^m Maule, Arth^r Goffe, James Castellaw, Isa^h Hill—Edenton—Tho: Parris—Beaufort—Jno: Baptiste Cushe,* Jos^h Porter—Carteret Knock Ward—Coll: Maurice Moore

Adjourned till tomorrow morning 8 a Clock.

Wednesday the 6th Aprill.

The House mett according to Adjournm^{nt} present as yesterday with M^r Sam^l Phelps Representative for Pequimans Precinct.

Maurice Moore Esq^r being chosen Speaker by this House at their last meeting & upon his not Appearing at this meeting M^r Jn^o Bap: Cushe* &

*Written so in the "copy" *passim*. The name is John Baptista Ashe.

M^r Jam^s Winright were sent to the Upper House to Desire their Directions to chose another Speaker in his room returned, & the following Message was brought from the Upper House.

Gent :

This House having Notice that you are Incorporated require your Immediate Attendance to receive Directions for your Choice of a Speaker.

by order

J. LOVICK, C^{lk} Ass^{bly}

Accordingly the House Attended & received the Directions of the Upper House to return & chose their Speaker.

And upon their return the House chose Nemine Contradicente Jⁿ Baptiste Esq^{re} Speaker.

Sent the following Message to the Upper House.

To S^r R^d Everard Barr^t Govern^r etc, & the Members of the Council being the Upper House of Ass^{bly}

May it please your Hon^r

This House has Chose their Speaker & are ready to present him to your Hon^{rs}

per Order of the House

Sent per M^r Downing
& M^r Pollock.

RO^{bt} HICKS, C^{lk} Dom C^{om}

The following Message is brought from the Upper House.

Gent :

This House is now Sitting & ready to receive the person made Choice of for your Speaker.

per Order J. LOVICK, C^{lk} Ass^{bly}

Accordingly the House attended & presented Jⁿ Baptiste Cushe Speaker to whom the Governor made the following Speech.

Gent of the Council, M^r Speaker & Gentlemⁿ of the House of Burgesses.

I meet you now with pleasure not questioning but that you come with minds truly disposed to do every thing that may Conduce to the welfare & happyness of this Province & to show you Gentlemen I sincerely wish it I most Solemnly Declare that nothing on my part shall be wanting to make it as Flourishing a Province as any of our Neighbours in America.

M^r Speaker the Chiefest thing I shall Recommend to you is to Consider & Dispatch of Such Busyness as is for the imediate Service of the

Country, that you go on in all your Proceedings in Love & Friendship Remembering always that our Constitution is a Simile of a Human Body & its Members, if one is out of order all other parts suffer so the Constitution of this Government consists in me as your Governor Deputed by the Lords Prop^{rs} their Council & you Gentlemen of the House of Burgesses, this makes our Constitution & if any Difference arise amongst us, of which I hope there's no probability let us Diligently Apply ourselves to make up & heal all Breaches, live in Love & Charity one with another which make our Country flourish & ourselves happy now & hereafter.

And upon their return sent the following Message to the Upper House.

To the Hon^{ble} the Govern^r & Council being the Upper House of Assembly.

May it please your Hon^{rs}

This House is ready to receive Such Members of your House as shall be appointed at their Qualification.

per Order of the House.

R. HICKS C^l D^{om} C^{om}

Sent per Maj^r Bonner & M^r Porter.

Coll. Edw^d Moseley & Edm^d Gale Esq^{rs} came from the Upper House & were present at the Qualification of the Members of this House.

Rob^t Hicks Clerk, Jn^o Falconar Messenger, & Hill Savage Door-keeper to this House took & Subscribed the Several Oaths & Test by Law appointed for their qualification.

Resolved that no Member or Officer of this House upon any Debate which may happen therein Disclose the same or the Purport thereof to any Persons not Members thereof & that upon Proof made of such Discourse or Discovery this House will proceed to expel Such Person the House if a Member, & to Inflict such Punishment on any Officer that shall make such Discovery as is usual on such occasions.

Adjourn'd till 2 a Clock afternoon.

The House mett according to Adjournment & sent the following Message to the Upper House.

May it please your Hon^{rs}

This House Desires some Members of your House may be sent to be present at the Qualification of a Member of this House not yett Qualify'd.

per Order of the House

R. HICKS C^l D^{om} C^{om}

Sent per M^r Jessop & M^r Phelps.

Resolv'd that the whole House be a Comittee of Propositions & Grievances & for preparing an answer to the Governors Speech & that the same be prepared by to morrow 3 a Clock afternoon.

Adjourn'd till tomorrow morning 8 a Clock.

Thursday the 7th Aprile.

The House mett according to adjournm^t Co^{ll} Edw^d Moseley & Edm^d Gale Esq^{re} Came from the Upper House & were present at the Qualification of M^r R^d Groves a Representative for Craven Precinct.

Adjourn'd till tomorrow 8 a Clock.

Friday the 8th Aprile.

The House mett according to Adjournm^t

Read the Petition of Rob^t Loyd Complaining of an undue Election & Returne for Edenton.

Resolv'd that this House will proceed thereon as a Committee of the whole House, & accordingly the House adjourn'd themselves into a Committee of the whole House & proceeded thereon M^r Tho: Paris being heard in his Place.

M^r Chas: Denman Chairman of the Committee made Report to the House the following Resolutions of the Committee.

That M^r Rob^t Loyd is duely elected by Majority of Votes a Burgess for Edenton.

Read the Petition of Tho: Lowther & Rob^t Peyton Complaining of an undue Election & returne for Currytuck which is referr'd till the meeting of the next Sessions of Assembly

Resolv'd that M^r Rob^t Loyd is Duely elected by Majority of Votes as Burgess for Edenton

Upon the Petition of Lewis Thomas Or^d that he be Levy free by reason of Age & Disability.

Adjourn'd till 2 a Clock afternoon.

The House Mett according to Adjournment.

Read the Petition of Jos^h Platt, the Same is referr'd to Consideration of the Upper House

Motion being made whether or not the Powder money accruing by Vessells coming into Currytuck shall be appropriated for Pilottage at Currytuck Inlett Carry'd in the Affirmative

Resolv'd that all the Powder money accruing by Vessells coming into Currytuck be appropriated for the Beaconing & staking out the Channell at Currytuck Inlett.

Ord^r to be sent to the upper House for their Concurrence

Read the Petition of D^r Tho: Bailey which is referr'd to a further Consideration.

This House is Adjourn'd into a Committee of the whole House & M^r Jam: Winright appointed Chairman

Resolv'd that the Comittee have power to send for Persons, Books, Papers & Records & Examine Evidences on Oath.

Adjourn'd till Munday morning 10 a Clock.

Munday the 11th Aprill

The House mett according to adjournm^t & sent the following Message to the Upper House.

May it please your Hon^r

This house Desires some Members of your House may be sent to be present at the Qualification of some Members of this House not yet Qualify'd

per Ord^r of the House

R. HICKS C^l D^{om} C^{om}

Sent per M^r Swann
& M^r Denman.

✓ This House is adjourn'd into Comittee of the whole House for Examining the Acco^{ts} of the Receivers of the — Powder Money.

M^r Chas: Denman Chairman of the Comittee made Report to the House—Viz^t

That upon Examining the Acc^{ts} of M^r John Baptiste Cushe Receiver of the Powder Money for Port Bath Commencing from the 21st of December 1723 & Ending the 22nd Jan^{ry} 172⁵/₆ And there Appears to be due to the Publick the sum of One hundred Sixty Six Pounds Sixteen Shillings & two Pence which was paid into this House & three shillings & ten pence over And was Delivered into the hands of Coll: Edw^d Moseley Publick Treasurer.

Read the Petition of the Indabitants of the upper parts of Pamlico River, referr'd to the consideration of the Upper House.

Adjourn'd till 2 a Clock afternoon.

The House mett according to adjournment.

Coll. Edw^d Moseley & Edm: Gale Esq^{re} came from the Upper House & were present at the Qualification of M^r Jno: Etheridge a Representative for Currytuck & M^r Robt Loyd a Representative for Edenton.

M^r Chas: Denman Chairman of the Comittee for preparing an answer to the Governor's Speech lay'd the same before the House, which was

read & approv'd of & Ord^r to be sign'd by the Speaker & the House do wait on the Upper House with the same.

To the Hon^{ble} S^r Rich^d Everard Barrⁿ etc

The Address of the Lower House of Ass^{bly} of North Carolina. We are Extremely Pleased to find by your Hon^{rs} Speech your good Intentions to promote the welfare & happiness of this Province & do Assure you of the Sincerity of our minds in Endeavouring the promotion of anything which may conduce thereto.

It must be acknowledged that there are Severale Publick Affairs which have been too long (for what reason we know not) procrastinated which do require imediate Consideration & Dispatch; tho' we can no way accuse our Selves of any delay on this score having been (as we likewise are at this present) at our last Biennial Meeting which we conceive to have been very Legal, ready to fall into any measures which might advance the Interest & Tranquility of this Province. Indeed there seems a very great Necessity of Concerting such Measures at present as may effect the same & remove the General Disquietude & Dissatisfaction the Province at present Labours under. The most effectual means to promote which will be as we conceive laying aside all Specious formalitys of Speech; But in direct Terms to inform you of our Grievances that you may (as we hope you will) Concur with us in redressing them—We conceive the Inhabitants of this Province in General as well as our late Governor M^r Burrington to have been very much Injured by the false & malicious misrepresentation of Severale wicked persons to the L^d Prop^{rs} & we hope your Hon^r being convinced of the Injustice we have had done us in having our Characters so basely traduced will favour us so far as to remove those Assertions by Reporting the Naked Truth to the Prop^{rs}

The Exclamations of the Injured & Oppress'd.

Complaining of Oppression, Perversion of Justice, & of the Laws of this Government etc do so fill our Ears that we are obliged to give you a Detail or Catalogue of some of the most material of them—As First Severale worthy Persons, and some Members of this House conceive themselves to be highly Injured by a Practice of some Officers in the Administration of Justice in procuring illegal Grand Jurys Contrary to the Rules proscribed by a Law of this Government on which were often men of Vile & base Characters, with a Designe to Asperse & Villify them, & tho' upon Complaint of the same, made to the Chief Justice & Members of the Court setting forth the practice they pray'd that it might be Inquired into & be timely Detected. Yet they were deny'd the same & the matter

was Deferr'd to so long a time as would entirely frustrate any inquiry into the Delinquents having thereby timely Notice to remove, or otherwise to prevent it, this we look upon to be a perversion of Justice, a breach of the laws of this Province, & an Infringement of the Libertys of the People.

Several Persons by reason of such illegal Grand Jurys have been Causelessly Vexed & Presentments being found against them are like to be putt to great Charge & Damage not for doing any unlawful Act, but for only Petitioning (the known right & constant practice of the People of this Governm^t) the Assembly for the redress of Grievances, & the Grand Jury in a Particular maner lead to this by a late Charge of the Chief Justice straining as we conceive (if not perverting the Law) on this occasion Endeavouring thereby to Deter & frighten the Inhabitants of this Province from seeking Relief under their Pressures.

Complaint is likewise made unto us of the Attorney General M^r W^m Little his Contrivance to promote on all occasions presentments & Indictments against Persons thereby to put them to great charge with which several Persons being Greatly Terrify'd have been moved to bribe him to drop the Prosecution, which bribes he hath taken or Caused to be taken for him & the Prosecution thereupon have been dropped & Determined, This we look upon as a most Vile Practice not to be suffered in any Governm^t being highly injurious & a means of Terrifying and debasing the minds of well Disposed People to a Compliyance to such measures as may terminate in the Ruin of this Province. Moreover several worthy Persons, Some of which Members of the House have been most illegally in an Arbitrary maner, without Cause comitted to Prison & there Detained, & tho' they have demanded Copys of their Comittment, yett they have been refused them. This we take to be a great Infringement of our Libertys as we are Freeman Brittain's, to be Contrary to the Great Charter & to that Invaluable Act of Parliament comonly called the Habeas Corpus Act.

We shall Conclude Assuring your Hon^{rs} That we shall as much as in us lies Comply with your Desire not only in Endeavouring to avoid any Differences or breaches, which may happen between what you are pleased to call the Constituent parts of the Constitutions of this Government but also (if any should happen) in a Diligent application to heal them, but give us leave to Pursue your own Simile as there are more Minute parts of the Human body which if neglected might Cause the Destruction of the whole, so in the Government there are officers & others resembling them who ought not (having made themselves Conspicuous by their

Enormity) to be overlooked but to be brought (if there appear truth in what is Alledged against them) to Condign Punishment least the body Politic Perish.

We shall therefore pray your Hon^r Concurrence with us in taking such Measures as may Detect such Practices & settle the Peace & Tranquility of this Province.

By Order of the House

JOHN BAPTISTE CUSHE Speak^{er}

Adjourned till tomorrow 8 a Clock.

Tuesday the 12th April.

The House mett according to Adjournment.

M^r Jam^s Winright Chairman of the Committee of Grievances made the following Report to the House

Upon a Report made to this House by the Committee etc That upon a Petition of several Inhabitants of Pasquetank setting forth as a Grievance that Coll: W^m Reed had Contrary to Law pretended to Assume to himself a power to appoint Comissioners Asscess & lay a tax of five shillings per Poll for the year 1724 on the Inhabitants of the Precinct & had accordingly Collected the Same under a pretence of building a Court house in some place unknown notwithstanding the Justices of Pasquetank Precinct had before that (agreeable to & in pursuance of a Power Invested in them by a Law of this Province Entitled An Act for Settling Precinct Court Houses) proceeded to agree (& take bond for performance of the Contract) with Several Persons for building a Court House in the s^d Precinct on a certain piece of Land—bought of a certain person in the s^d Precinct for the use Afs^d & had Lodged the s^d bond with the s^d Reed to be kept for the Use & Behalf of the Precinct afs^d Yett so it is that the s^d Reed Detaineth & Refuseth to deliver the bond afs^d to the proper Persons appointed to put the same in force, & likewise hath by a pretended Power Deputed Comissioners who have from the Sheriff or officer taken away the levy lay'd by the s^d Justices according to Law for the use afs^d & likewise the Levy illegally Collected for the Year pretending to lay out and Dispose of the same as to them shall seem meet, to the Utter hindrance of Carrying on the work the Court House afs^d & to the great Grievance & Damage of the Inhabitants of the s^d Precinct. Whereupon Coll: W^m Reed being Desired to be present to make his objections against the above Assertions, he appear'd & in general Forms deny'd the truth of all, but upon a Special Examination Confess'd the whole, the report being made to this House It is Resolv'd (Nemine Contradicente) that the above Practices of W^m Reed Esq^{re} and the Com^{rs} afs^d are

Arbitrary, Illegal & Contrary to the Laws of this Government that the bond in the keeping of the s^d Reed (according to his own Confession in this House) ought to be Delivered to the persons duely appointed to putt the same in force, & that the s^d Worke of the Court House ought to be done by the Persons bound to do the same pursuant to the Condition of the s^d bond. And it is further Resolv'd that Application be made to the Upper House to Concurr with us in proper Measures to redress the afs^d Grievances & to Compel the s^d Reed to deliver up the bond afs^d & to oblige the Pretended Com^{rs} to account for the moneys they have by pretext of any authority whatsoever rec^d on the s^d Account & to pay what was Collected in the year 1723 to the Comss^{rs} appointed by the Court afs^d Pursuant to the Act of Assembly afs^d to be apply'd to the use afs^d & that the pretended Com^{rs} or their Collectors make restitution of what was Collected for the year 1724, or since, to the respective Persons from whom it was illegally taken.

Read the Petition of Jno: Byrd Praying leave to bring in a Bill to Alter Entailed Lands, & to confirm other Lands on the Heirs in Lieu thereof ordered that the Petitioner have leave to bring in a Bill accordingly.

Order'd that Jam^s Furbush Sen^r of Pasquetank, John Harris & Jam^s Thieken of Pequimans by reason of Age & Infirmary be Discharged from Paying any Levy.

Sent the following Message to the Upper House.

May it please your Hon^r

This House being Informed that the Governor is Dangerously ill, do acquaint you that they are ready to wait on him when he is disposed with an Answer to his Hon^{rs} Speech.

per Order of the House

R. HICKS C^l D^{om} Com

M^r W^m Badham receiver of the Powder money for Albemarle County Exhibited his Account on Oath to the House & there appearing Four hundred Forty five Pounds nine shillings & two pence due to the Publick—Order'd that he pay the same in to this House. And the s^d Badham having in the s^d Acco^t given himself Credit for Twenty two Pounds ten Shillings for Powder & Shotts Delivered to the Governor, the House taking the Same into Consideration did not allow of the Same, but Order'd that he pay the same into this House, which he accordingly paid in being Included in the s^d Sum of Four hundred Forty five Pounds Nine Shillings & two Pence.

This House taking into Consideration the Frequent Contempts that have been Offered to Assemblys in this Province, which they take to be Owing to the very light or rather no Charge falling on Such Contemptuous Persons on their being Comitted by this House there being no Fees appointed by this House for their officers on such Comittments. It, is therefore Order'd that (to maintaine the authority of & respect due to this House) & to prevent Insults being offer'd thereunto) for the future the officers take these following Fees—Viz^t

The Clerk for the Warrants of Comitt^{ts} Two Pounds. The Messenger for the Caption Five Pounds. The Doorkeeper One Pound. And to the Messenger for keeping every day after Comittment till all the Fees afd^d are paid or the party Discharged, by this House One Pound.

This House taking into Consideration the late Prorogation of this Biennial Assembly.

Resolv'd that the s^d Prorogation was Arbitrary & illegal, & that the meetings of such of the Members as did meet on the first Munday of November last was right & agreeable to the Laws of this Government. And that the Resolutions & Proceedings of the s^d Members at their s^d meeting be Confirmed by this House.

M^r Burrington moves for Examination into an Imposition of M^r Rob^t Route on a certain Master of a Vessel pretending to take Forty shillings for Searching his Vessel.

M^r Rob^t Loy'd moves for Examination into an Imposition of some Persons or Masters of Vessels trading to this Place pretending to take Comptrollers Fees whereas there is no such officer.

M^r Jessop Complained to this House that S^r Richard Everard Contrary to Law Demanded & took of him thirty shillings for a Marriage Licence.

M^r Castellaw in behalf of the Inhabitants of the West Shore in Bertie Precinct moves to this House as a Grievance to be inquired into & redressed, That Jn^r Morley being appointed Treasurer by Govern^r Eden lately Deceased for the Collection of the Publick Levys & the afd^d Inhabitants Complaining of the hardships of going to the s^d Morley's House (in Purpose to Ensnare them) told them that they need not give themselves that trouble for that he would meet them at one Walston's or Williams's on purpose to receive the Levys; by this means he prevented their Payment of the Levys in due time, & then by Vertue of the Act of Assembly then in force made double Distress, to the very great Damage of the s^d Inhabitants.

Whereas a Fee of Twenty five shillings for each Pattent was by an Order of Assembly of this Province Confirm'd to the Governor of this

Province to Continue till the Biennial Assembly which should be on the first Munday in November in the year 1725. And this House being inform'd that the s^d Fee is still taken. Resolv'd that the taking of the same is illegal & that for the future none presume to take the s^d Fee, the s^d former being now declared Void.

Upon the Petition of Eliz^a Paynor Praying that her Son Joseph Paynor may be Levy Free by reason of blindness which was Granted.

M^r W^m Badham being called before the House to answer to such Questions as should be demanded of him by the House upon a Mittimus Commanding the Provost Marshal to take into his Custody one John Richard & others & the s^d Badham refusing to take an Oath the House Declares the same to be a Contempt of the authority of this House.

It is order'd that the s^d W^m Badham be in Custody of the Messenger to this House for his Contempt afs^d.

This House taking into Consideration the Petition of John Richard Setting forth that he was Illegally Comitted on the 3^d of Aprill Ins^t without any Mittimus to the 4th of Aprill & then he reed a Copy of a Comittment bearing date the 3^d of Aprill which he Conceiv'd to be Ante dated. Upon Examination of M^r Rob^t Route It appears that he had taken the s^d Richard & imprison'd him by a Verbal Order from the Chief Justice & had not Obtained a Mittimus till the next day. This House are of opinion that the s^d Comittment is Illegal & do therefore Order that the s^d Richard be released from his Imprison^t afs^d.

M^r W^m Badham Receiver of the Powder Money for Albemarle County having lay'd his Acco^{ts} before the House & the same not Appearing Satisfactory to this House. It is ordered that M^r Williams be receiver of the Powder Money in the room of W^m Badham giving Security for his faithful Discharge of his s^d office as is Usual.

The following Address to the Hon^{ble} Geo: Burrington Esq^{re} being read was Approv'd of & ordered by the House Nemine Contradicente to be Sign'd by the Speaker & Del^d to M^r Burrington.

To the Hon^{ble} George Burrington Esq^{re}
late Gov^r of this Province

The Address of the Lower House of Assembly mett at Edenton this 12th day of April 1726.

Being at last (tho' with some Difficulty) Qualify'd to proceed in Business for the good of our Country, we think it our Duty when we Consider & Call to mind the many Services & Advantages we receiv'd under your mild Administration to return you our hearty & unfeigned thanks for the Same.

We also begg leave to Assure you nothing Surprises or Concerns us more than your Sudden Removal by the L^{ds} Prop^{rs} whose Interest notwithstanding the malicious Information of your Enemys everybody knows you had most at heart. We are Informed they reported you Intended a Revolution in this Government as was some years ago in South Carolina, which we presume tho' Notoriously false was the only Motive that induced their Lordps in sending a Gentleman over in so much haste to Superceed you, all which Underhand Practice we hope ere this is Duly Represented to the Prop^{rs} by our Agent in England, & the true & Just Acco^t of the faithful Discharge of your Duty to their Lordships, & Zeal for the promoting the welfare of this their Province, particularly that part of it called Cape Fair, which is like to become a strong Barrier & Security from any Attempts hereafter on our Southern Settlements.

In Consideration of all which & the great trouble & fatigue as well as Charge you have been at for the Service of this Province in General we take leave once more (in the name of the whole Province which we Represent) with all sense of Gratitude & Esteem to return you our sincere thanks, who are

Your most humble & most Obed^t Sev^{ts}

JN^o BAP^{te} CUSHE Speaker.

By Ord^r of the House.

Nemine Contradicente.

The following Address to the L^{ds} Prop^{rs} being read was Approv'd & Order'd to be Signed by the Speaker & sent to the L^{ds} Prop^{rs}

To his Excellency Jn^o L^d Carteret Palatine & the rest of the true & Absolute L^{ds} Prop^{rs} of Carolina.

The Address of the Lower House of Assembly now mett at Edenton this 12th day of Aprill 1726.

We being now a Qualify'd Body do think it necessary to Confirm what we offer'd to your Ld^{ps} Consideration in November last by M^r Goffe one of our Agents; Since which (as we then apprehended) we have Sensibly felt the Effects of an Arbitrary as well as a very Corrupt Administration Several Persons of good Distinction having been Illegally Comitted to our Comon Goal without any Reason & there confined & again discharged at pleasure without ever being able to obtain a Copy of their Comittment tho' often demanded, all which as well as many other Abuses & Vile Practices will be lay'd before your Lordships by our Agents M^r Arth^r Goffe, M^r Edm^d Porter & Nath^l Dueckenfield Esq^{re} with directions

on our behalf to Supplycate your Lord^{ps} to a Removal or Suspension of some Averitious Evil minded Person now in the Administration who have been for many years the Comon Disturbers of our Peace & Tranquility, particularly M^r Jno: Lovick Secret^y, Chr^r Gale, Chief Justice & W^m Little Attorney General.

And if it were your Ldps pleasure we should ever hold it one of the greatest favours to restore us our late Gov^r George Burrington Esq^{re}, who we beg leave to Assure you (notwithstanding the Malicious Information of his Enemy^s) has always Appeared Zealous in your Lord^{ps} Interest & welfare of this your Province, which Singular marke of your Affection for us will ever be acknowledged in a maner becoming your

Your Ld^{ps}

Most humble most Obed^t &
most Obliged Serv^{ts}

JN^o BAP^{to} CUSHE Speaker.

By Ord^r of the House

Test. R. HICKS C^l Dom. Com.

Adjourn'd till to morrow morning 8 a Clock.

Wednesday the 13th Aprill.

The House mett according to Adjournment.

This House upon Motion of some of its Members Setting forth that they Considered the House had proceeded Irregularly in passing an Order for the Releasement of Jn^o Richard out of Prison he not being a Member nor any ways intituled to the Priviledges of this House, proceeded to take the s^d Matter again into their Consideration, & being made sensible of the Error

It is Resolved (tho' it is the Unanimous Opinion of this House that the s^d Richard's Imprisonment is Illegal) that the former Order be retracted & Declared Void.

And it is further Ordered that the Present Marshall have notice hereof. Whereupon the s^d Marshall being call'd & acquainting this House that he had not Executed the former Order, was Order'd (this House declaring the same Order Void) to take no notice thereof.

The following Message is brought from the Upper House.

M^r Spk^r & Gentlemen of the House of Burgesses.

The Hon^{ble} the Governor's Indisposition not Suffering him to come up to the Council Chamber this House adjourn'd to the Governor's Dwelling, where they are now Sitting & require your Imediate Attendance.

by Order

J. LOVICK. C^l Ass^{bly}

Coll. Edw^d Moseley Publick Treasurer lay'd before the House his own Acco^t & the Acco^t of Jam: Robins & M^r Henry Clayton which are Referr'd to a further Consideration.

Upon the Petition of Tim^o Ives Sen^r Praying to be Levy free by reason of Age & Disability Order'd that he be Levy free.

Sent the following Message to the Upper House.

May it please your Hon^r

This House Desires Some Members of your House may be Joyn'd to such Members of this House as shall be appointed for the Inspection of Claims.

Per Ord^r of the House

R. HICKS. Cⁱ Do^m. Co^m.

Sent the following Message to the Upper House.

This House understanding that an Immediate Prorogation was design'd by your House were much Surpriz'd having by Several Messages Desired an opportunity of Answering the Govern^{rs} Speech tho' by the hasty Adjournments of your House they were ever prevented. We were in hopes likewise of an Opportunity of laying before your House Several & many Grievances of very great Consequences which if neglected or overlook'd would be of the greatest prejudice to the Country. We hope your Hon^{rs} will have the Interest of the Country so much at heart as not to be moved by the Insinuations or persuasions of such who hope thereby to Skreen themselves from Justice, & prevent a Discovery of their Evil Actions, hastily to proceed to Prorogation. That your Hon^r may be Certify'd that the Grievances we mention are of the highest consequence we take this Method (Since we can obtain no other) by this Message by M^r Jos: Jessop, M^r Edm^d Porter, M^r W^m Downing & Maj. Henry Bonner Members of this House of sending you our Address in Answer to the Governor's Speech that Containing some of the Grievances mention'd, tho we have many others likewise to add which we Conceive to require Immediate Redress & hope for your Hon^{rs} Concurrence with us in the same.

per Ord^r of the House

R. HICKS Cⁱ Do^m Co^m.

M^r W^m Williams refusing the Powder Office not thinking himself Qualify'd by Law to Act. Order'd that M^r Sam: Swann be receiver of the Powder Money for Albemarle County Giving Security as is Usual.

Ordered that the sum of three hundred fifty nine Pounds be pay'd out of the Money Delivered into this House by M^r Badham for the Defraying the Charges of those Sessions of Assembly & the remainder Delivered to the Publick Treasurer.

There appearing great Cause of Suspicion of M^r W^m Badham his having Prevaricated & having rendered an unfair Acco^t of the Powder Money for Albemarle County.

It is resolved that further Inspection into the s^d Acco^t be recommended to the next Session of Assembly.

Ordered that the Clerk of this House do Deliver to M^r Edm^d Porter all such Copys & Duplicates of the Proceedings of this House as he shall Demand of him, & for which that the s^d Clerk be paid the sum of Five Pounds.

The House having pursuant to a Message from the Upper House Attended on the Governor & Council & Prayed an Answer to Several Matters or Grievances of a very great Moment lay'd before them by this House, but rec^d none only were Informed by the mouth of the Secretary that the Governor & Council had Resolved on a Prorogation, Whereupon the Gov^r proceeded to pronounce a Prorogation; Which Pronunciation of a Prorogation of this House by the mouth of the Governor without Directing the Speaker thereto,

This House Resolves to be Illegal and Contrary to all Presidents of Parliamentary Proceedings. Notwithstanding this House being return'd the Speaker by Assent of the House Pronounced this House Prorogued to the first Tuesday in Sep^r next.

A Copy

R. HICKS Cl Dom. Com

CHARGES OF THE ASSEMBLY INCLUDING THAT IN NOV^r LAST WITH ATTENDANCE & COMINGS & GOINGS FROM THE ASSEMBLY.

In the Upper House.

		£	s
S ^r R ^d Everard	13. days	— 6.	10. "
W ^m Reed	—19. "	— 9.	10. "
Ch ^r Gale	—13. "	— 6.	10. "
Jn ^o Lovick	—19. "	— 9.	10. "
Edw ^d Moseley	—13. "	— 6.	10. "
Tho ^s Harvey	—15. "	— 7.	10. "
Tho ^s Pollock	—19. "	— 9.	10. "
R ^d Sanderson	—15. "	— 7.	10. "

Henry Clayton	— 5. days	— 2.	10. “
Fra ^s Foster	—15. “	— 7.	10. “
Jn ^o Blount	— 4. “	— 2.	“ “
R ^d West	13. “	— 6.	10. “
Edm ^d Gale	—13. “	— 6.	10. “
Secretary		12.	“ “
Messenger		6.	“ “
Doorkeeper		6.	“ “

In the Lower House.

	Chowan.	£	s.
Geo: Burrington	—15. “	— 7.	10. “
Edm ^d Porter	—15. “	— 7.	10. “
Henry Bonner	—15. “	— 7.	10. “
Cullen Pollock	—15. “	— 7.	10. “
Edm. Downing	—15. “	— 7.	10. “

Bertie.

Jas: Castellaw	—19. “	— 9.	10. “
Jsa Hill	—19. “	— 9.	10. “
W ^m Maule	— 6. “	— 3.	“
Arth ^r Goffe	— 6. “	— 3.	“

Pequimans.

Jos. Jessop	—17. “	— 8.	10. “
Sam: Swann	—17. “	— 8.	10. “
Cha: Denman	—17. “	— 8.	10. “
Sam. Phelps	—17. “	— 8.	10. “
Tho ^s Speight	— 5. “	— 2.	10. “

Edenton.

Tho: Parris	— 2. “	— 1.	“ “
R ^d Loyd	— 9. “	— 4.	10. “

Beaufort.

Jn ^o Bap ^t Cushe	—23. “	—11.	10. “
Jos: Porter	—15. “	— 7.	10. “

Pasquetank.

McCory Scarboro	—19. “	— 9.	10. “
R ^d Morgan	—19. “	— 9.	10. “
Jas. Winright	—19. “	— 9.	10. “
Gab. Burnham	—15. “	— 7.	10. “
Tho ^s Swann	— 6. “	— 3.	“ “

	Hyde.		
Patr ^k Maule	—15. days	— 7.	10. “
	Craven		
R ^d Graves	—21. “	—10.	10. “
	Currytuck.		
Jos: Sanderson	—15. “	— 7.	10. “
Jno: Weedhouse	—15. “	— 7.	10. “
R ^d Church	—15. “	— 7.	10. “
Jno: Etheridge	— 9. “	— 4.	10. “
Clk		12.	“ “
Extra Writings		5.	“ “
Messenger		6.	“ “
Doorkeeper		6.	“ “

A Copy

R. HICKS Cl Dom Com.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

PETITION FROM BATH TOWN AND HYDE PARISH IN FAVOR OF MR. BAILEY.

BATH TOWN. NORTH CAROLINA May 25 1726.

May it please your Lordships

To receive with clemency the humble Petition of the Churchwardens, Vestry & Gentlemen of St Thomas' Parish Bath Town. North Carolina. in the behalf of Mr Bailey our Pious & Exemplary Minister, who was recommended to us by our late Gov^r Co^{ll} Geo Burrington and has been in these parts almost 3 years. long expecting the usual Salary from the Royal Society, which we presume afore this time would have been affixed had not his recommendations been intercepted. The sense we have of M^r Bailey's administration in the Gospel & the great pains & care he hath taken, since he hath been amongst us, obligeth us on this occasion to acknowledge the benefit this Province has enjoyed from the same & since his desires of continuing with us if assisted with the usual Salary from the Hon^{ble} Society for the Propagation of the Gospel in N^o Carolina as well as in other parts of America, a place wanting the blessed benefit of the Gospel more than any other part of your Lordship's most extensive

Diocese & his Majesty's Dominion abroad, we beg leave therefore, together with our neighbouring Vestry & Parish humbly to Petition your Lordships to recommend the Rev^d M^r Tho^s Bailey. our able and worthy divine to the Hon^{ble} Society for the £80 per annum, which our former Ministers have been possessed with, assuring your Lordship that we shall not be wanting to provide for him as honorable a support as possibly we can, but for as much as the late Indian wars have rendered us unable to raise a sufficient Subsidy for a decent maintenance of the Ministry, we unanimously & humbly petition your Lordship's assistance in the settling so pious and able a man as M^r Bailey amongst us, under whose Ministry we esteem ourselves very happy & your Petitioners as in Duty bound shall ever pray.

JOSIAH JONES }
MATT ROAN } Churchwardens & Several others

The Commissioners of the Vestry of Hide Parish who were authorized by order of the Vestry to meet & join with the Gentlemen of St. Tho^s Parish have met the same day and do most humbly supplicate the same from your Lordships and shall ever pray

ROB^t REYTON, Bart. &c &c

[B. P. R. O. AMER: & W. IND: PLANT. GEN. No. 602.]

HANOVER SQUARE July y^e 5th 1726.

My Lord,

I had the honour to promise your Lordship some time ago, that I would lay my thoughts before you at your leisure, in what manner the several Plantations on the Continent of America might be reduced under one general Government, without injustice to the present Proprietors, or further expense to the Crowne.

Your Lordship has accordingly enclosed a short Essay upon that subject, and if it has the fortune to meet with your approbation, I have some further hints to suggest upon the same subject, which may perhaps not prove unprofitable to his Majesty's service.

I am with all possible truth and respect

My Lord

Your Lordship's most obedient and
most humble servant

M. BLADEN.

R^t Hon^{ble} Lord TOWNSHEND.

A SHORT DISCOURSE ON THE PRESENT STATE OF THE
COLONIES IN AMERICA WITH RESPECT TO THE
INTEREST OF GREAT BRITAIN.

INTRODUCTION.

Happy are the People whose Lot it is to be Govern'd by a Prince who does not wholly Depend upon the Representations of others; But makes it a chief part of his Delight, to inspect into the Condition of his Subjects according to their several Ranks and Degrees; Who from the Rectitude of his own mind distinguishes the true merit of his servants: Leaving the Liberties and Properties of his People to be equally guarded and justly defended by a practical Execution of the Laws.

The unbounded Extent of Knowledge to be daily acquired by the judicious Enquiries and Application of such a Prince; will soon abolish the use of Flattery, and the pernicious Effects of all design'd Misrepresentations; The paths of virtue and Honor with a strict adherence to Truth, will be the only avenues of access to the Sovereign's Esteem; and the Royal Favours in such a Reign will ever be agreeably dispens'd in proportion to the usefull Conduct, and true merit of the Party.

So great an Example from the Throne will doubtless inspire every honest Breast with a better share of Public Spirit; Mens thoughts will not then be so intent on what they can get for themselves, as on what they can do for their Country: And for such parts of the Prince's Prerogative & Executive Power, as necessarily must be Intended with Ministers; They will ever be thought an Advantage & Security to a Nation. While the Conduct of the Ministry principally shines in the support of Liberty, which cannot fail to gain the Hearts and Affections of a Free People.

When either by Conquest or Increase of People, Forreign Provinces are posses'd & Colonies planted abroad, it is convenient & often necessary to substitute little dependent Provincial Governments, whose people by being enfranchized, and made partakers of the Liberties and Priviledges belonging to the Original Mother State, are justly bound by its Laws, and become subservient to its Interests as the true End of their Incorporation.

Every Act of a Dependent Provincial Governm^t therefore, ought to Terminate in the Advantage of the Mother State, unto whom it owes it's being and by whom it is protected, in all its valuable priviledges: Hence it follows that all advantageous Projects or Commercial Gains in any Colony which are truly prejudicial to, and inconsistent with the Interest

of the Mother State; must be understood to be illegal, and the Practice of them unwarrantable, because they contradict the End for which the Colony had a Being, and are incompatible with the Terms on which the People claim, both Privilege and protection.

Were these things rightly understood amongst the Inhabitants of the British Colonies in America, there would be less occasion for such Instructions, and strict prohibitions, as are daily sent from England to regulate their Conduct in many Points; The very nature of the thing would be sufficient to direct their choice in cultivating such parts of Industry & Commerce only, as would bring some advantage to the Interest and Trade of Great Britain: They would soon find by experience that this was the solid and true Foundation whereon to build a real Interest in their Mother Country and the certain means to acquire Riches without Envy.

On the other hand where the Government of a Provincial Colony is well regulated, and all its Business and Commerce truly adapted, to the proper End and Designs of the first Settlement; such a Province like a choice Branch springing from the main Root, ought to be carefully nourished and its just Interests well guarded; No little partial Project or Party Gain should be suffer'd to affect it, but rather it ought to be consider'd & weigh'd in the General Ballance of the whole State, as an usefull and profitable member; For such is the end of all Colonies, and if this use cannot be made of them it would be much better for the State to be without them.

It has ever been the Maxim of all polite Nations to regulate their Government to the best advantage of their Trading Interest; wherefore it may be helpfull to take a short View of the principall Benefits arising to Great Britain by the Trade of the Colonies

1^{mo}. The Colonies take off and Consume above one 6th part of the Woolen Manufactures exported from Britain; which is the chief Staple of England & main support of all the Landed Interest.

2^{do}. They take off and Consume more than double that Value in Linnen and Colicoes which is either the product of Britain and Ireland or partly the profitable Returns made for that product carried to Foreign Countries.

3^{do}. The Luxury of the Colonies which increase daily consumes great Quantities of English Manufactur'd Silks, Haberdashery, Household Furniture and Trinkets of all sorts, also a very considerable Value in E: India Goods.

4^{do}. A great Revenue is rais'd to the Crown of Britain by Returns made in the Produce of the Plantations, especially Tobacco, which at the same time helps England to bring near'r to a Ballance their unprofitable Trade with France.

5^{do}. These Colonies promote the Int: and Trade of Britain by a vast Increase of shipping & Seamen; which enables them to carry great Quantities of Fish to Spain, Portugal, Leghorn & a Furrz Lógwood & Rice to Holland where they help Great Britain considerably in the Ballance of Trade with those Countries.

6^{do}. If reasonably encouraged the Colonies are now in a Condition to furnish Britain with as much of the following Commodities as it can demand Viz^t Masting for the Navy & all sorts of Timber, Hemp Flax, Pitch, Oyle, Rosin, Copper-Oar, with Pig & Barr-Iron by means whereof the Ballance of Trade to Russia and the Baltick, may be very much reduced in Favour of Great Britain.

7^{do}. The Profits arising to all those Colonies by Trade is returned in Bullion, or other usefull Effects to Great Britain where the superfluous Cash and other Riches acquired in America must center; which is not one of the least Securities that Britain has to keep the Colonies alwaies in due Subjection.

8^{do}. The Colonies upon the main are the Granary of America and a necessary support to the Sugar Plantations in the West Indies which could not subsist without them.

By this short View of the Trade in general we may plainly understand that these Colonies can be very beneficially employed, both for Grert Britain and themselves without interfering with any of the staple Manufactures in England and considering the Bulk and End of their whole Traffick 'twere pitty that any material Branch of it should be depressed on account of private and particular Interests, which in comparison with these cannot justly be esteemed a National Concern, for if the trade of the Colonies be regulated to the advantage of Britain, there is nothing more certain than that the Discouragement of any substantial Branch for the sake of any Company or private Interest would be a loss to the Nation. But in order to set this point yet in a clearer Light we will proceed to consider some of the most obvious Regulations on the American Trade for rend'ring the Colonies truly serviceable to Great Britain.

1^{mo}. That all the Product in the Colonies for which the Manufacture and Trade of Britain has a constant demand be enumerated among the Goods which by Law must be first transported to Britain before they can be carried to any other Market.

2^{do}. That every valuable Merchandize to be found in the English Colonies, and but rarely anywhere else & for which there is a constant demand in Europe shall also be enumerated in order to assist Great Britain in the Ballance of Trade with other Countries

3^{do}. That all kinds of Woollen Manufactures for which the Colonies have a demand shall continue to be brought from Britain only, & Linnen from Great Britain and Ireland.

4^{do}. All other kind of European Commodities to be carry'd to the Colonies (salt excepted) entry thereof first to be made in Britain before they can be transported to any of the English Colonies.

5^{do}. The Colonies to be absolutely restrained in their several Governments, from laying any manner of Duties on Shipping or Trade from Europe or upon European goods transported from one Colony to another.

6^{do}. That the Acts of Parliament relating to the Trade & Government of the Colonies be revised and collected into one distinct Body of Laws, for the use of the Plantations, and such as Trade with them.

Supposing these things to be done, it will evidently follow that the more Extensive the Trade of the Colonies is, the greater will be the advantages accruing to Great Britain therefrom and consequently that the Enlargement of the Colonies, and the encrease of their People would still be an addition to the national strength, all smaller Improvements therefore pretended unto, and sett up by lesser Societies, for private Gain in Great Britain or elsewhere, altho they might have a just pretence to bring some sort of Publick Benefit along with them, yet if they shall appear to be hurtfull to the much greater and National concern of these Trading usefull Colonies, they ought in justice to the Publick to be neglected in Favour of them: It being an unalterable Maxim, that a lesser publick good must give place to a greater, and that it is of more moment to maintain a greater than a lesser number of subjects well employed to the advantage of any State.

From what has been said of the nature of Colonies and the Restrictions that ought to be laid on their Trade, it is plain that none of the English Plantations in America can with any Reason or good sence pretend to claim an absolute legislative power within themselves; so that lett their several Constitutions be founded on Antient Charters, Royal Patents Custom by prescription, or what other legal authority you please, yet still they cannot be possessed of any rightfull capacity to contradict or evade the true Intent and force of any Act of Parliament wherewith the wisdom of Great Britain may think fitt to affect them from time to time, and in discoursing on their legislative powers (improperly so called

in a dependent Government) we are to consider them only as so many Corporations at a distance, invested with an ability to make temporary By Laws for themselves agreeable to their respective Situations and Climates, but no ways interfering with the legal Prerogative of the Crown, or the true Legislative Power of the Mother State.

If the Governors and general assemblies of the several colonies would be pleased to consider themselves in this light, one would think it was impossible they could be so weak to fancy that they represented the King Lords and Commons of Great Britain, within their little districts, and indeed the useless or rather hurtful & inconsistent Constitution of a Negative Council in all the Kings Provincial Governments has it is believed contributed to lead them into this mistake, For so long as the King has reserved to himself his Privy Council the Consideration of, and a Negative upon all their Laws, the method of appointing a few of the richest and proudest men in a small Colony as an upper house with a negative on the Proceedings of the King's Lieutenant Governor, and the peoples Representatives seems not only to cramp the natural Liberty of the Subject there, but also the Kings just Power and prerogative, for it often happens that very reasonable and good Bills sometimes proposed for the benefit of the Crown by the wisdom of a good Governor and at other times offered by the peoples representatives in behalf of their Constituents have been lost and the enacting of such made impracticable by the obstancy of a majority in the Council. only because such things did not square with their private particular Interest and Gain or with the views which they form to themselves by assuming an imaginary dignity and rank above all the rest of the Kings Subjects and as to the Security which it is pretended that either the Crown or a Proprietary may have by such a Negative Council, it is in fact quite otherwise, for that caution would be much better secured if this Council was only a Council of State to advise with the Governor & be constant Witnesses of all Public Transactions, and it cannot be thought that an Officer who is not only under Oaths and Bonds, but answerable by Law for his misdeeds and removeable at pleasure, would in the face of Witnesses so appointed contradict a rational advice thereby subjecting himself to Grievous Penalties and Losses, neither is it to be supposed that these men, if they had only the Privilege of advising, would oppose such good Bills or other reasonable Propositions as they well knew they had no legal power to reject but while they find themselves possess'd of a peremptory Negative without being in any sort accountable for their opinions it is easy to imagine how such a power may be used on many occasions to serve their

private Interest and Views in Trade, as well as to indulge the too natural propensity which mankind have especially abroad, to rule over and oppress their poor Neighbours; besides an Artfull corrupt Governor will find means by Preferments &c: so to influence a negative Council, that knowing themselves to be under no Bonds or any other valuable penalty to answer the party aggrieved by their Opinions, they may without risque proceed in such a manner as to screen the Governor in many things which otherwise he would be personally & singly bound to account for in a legal and just way.

If then a Council of State only to advise with the Governor shall appear in all Emergencies & Cases, that can be proposed to be equally usefull, and not attended with the Inconsistancies obstructions and disadvantages of a Negative Council the one seems to be much preferable to the other and more agreeable to the Liberty & just Equality which is established by the Common Law amongst Englishmen and consequently less productive of those Grievances and Complaints which have been so frequent hitherto from the Plantations.

At first View it will appear natural enough for an Englishman who has tasted the sweetness of that freedom which is enjoyed under the happy Constitution of King Lords and Commons in Great Britain, to imagine that a third part should be formed in the little Governments of the Plantations in imitation of the House of Lords. But if we rightly consider it, that part of the Constitution is already most properly and fully supply'd by the Lords of his Majesty's Privy Council. Besides let us suppose that instead of a House of Lords in Britain the like number of select Commoners were invested with a power to sit apart, and to put a Negative upon the proceedings of the House of Commons consisting of three times the number of Persons of equal rank and representing all the Commons of Great Britain in Parliament, the Inconsistency and unreasonableness of the thing does presently obtrude itself upon our minds and yet such is the very case of that Negative which is now practiced by the Councils in America.

Next to the Legislative power we shall proceed to consider the Civil Jurisdiction in the Plantations which by their own Acts is branch'd out into so many different Forms, almost in each Colony that it is scarce practicable to reduce them under such heads in any one discourse as to make it intelligible to those who are altogether unacquainted with American Affairs.

It is generally acknowledged in the Plantations, that the subject is intitled by Birthright unto the benefit of the common Law of England;

But then as the Common Law has been alter'd from time to time and restricted by Statutes it is still a question in many of the American Courts of Judicature, whether any of the English Statutes which do not particularly mention the Plantations, can be of force there until they be brought over by some Act of Assembly in that Colony where they are pleaded, and this creates such confusion that according to the Act or Influence of the Lawyers and Attornies before Judges who. by their Education are but indifferently qualified for that service, they sometimes allow the force of particular Statutes, and at other times reject the whole especially if the Bench is inclinable to be partial, which too frequently happens in those new and unsettled Countries, and as Mens Liberties and Properties in any Country chiefly depend upon an Impartial and equal Administration of Justice this is one of the most material Grievances which the Subjects in America have just cause to complain of; But while for the want of Schools and other proper Instruction in the principles of moral virtue; their people are not so well qualified, even to serve upon Juries and much less to Act upon a Bench of Judicature, it seems impracticable to provide a Remedy until a sufficient Revenue be found out amongst them, to support the charge of sending Judges from England to take their Circuits by turns in the several Colonies on the main, which if it be thought worthy of consideration will appear neither to be improper nor impracticable, and until that can be done all other attempts to rectify their Courts of Law will be fruitless and may be suspended.

Courts of Chancery which are known to be necessary in many cases to correct the Severity of the Common Law, seem to subsist there on a most precarious foot, for it does not appear that there is a proper and legal Authority to hold such a Court in any of the Colonies, nevertheless by Custom everywhere some kind of Chancery is to be found in one Form or other, so that when a Rich man designs to contest anything in Dispute with his poor neighbour, if he can continue to bring him into Chancery he is sure the matter will rarely or never be brought to issue which on many Occasions proves an intollerable Oppression, wherefore it is hoped that so high a Jurisdiction, issueing immediately from the Crown will in due time be put on a more regular and certain Establishment abroad.

A Militia in an Arbitrary & Tyrranical Government, may possibly be of some service to the Governing Power, but we learn from Experience that in a free Country it is of little use. The people in the Plantations are so few in proportion to the lands they possess, that servants being scarce, and slaves so excessively dear, the men are generally under a

necessity there to work hard themselves in order to provide the Common necessities of Life for their Families, so that they cannot spare a day's time without great loss to their Interest wherefore a Militia there would become more burthensome to the poor people than it can be in any part of Europe. But besides it may be questioned how far it would consist with good Policy to accustom all the able Men in the Colonies to be well exercised in Arms. It seems at present to be more adviseable to keep up a small regular standing Force in each Province which might be readily augmented for a time if occasion did require and thus in case of war or Rebellion the whole of the regular Troops might be without loss of time united or distributed at pleasure, and if as has been said before a suitable Renewal abroad can be raised for the Defence and Support of the Plantations, it would be no difficult matter both to form and execute a proper scheme of this nature.

Land is so plenty, and to be had so very cheap in America that there is no such thing as Tenants to be found in that Country, for every man is a Landlord in Fee of what he possesses and only pays a small Quitt or Ground Rent to the Lord of the Soil, and this makes it impracticable to find an Assembly of such Freeholders in any of the Colonies, who will consent to lay any Tax upon lands, nor indeed is it to be expected they should. Voluntarily agree to raise any Revenue amongst themselves except what is absolutely necessary for erecting and supporting Court Houses, Bridges Highways and other needfull Expences of their Civil Government which is commonly levied upon Stock an Excise on Foreign Liquors retail'd or a small Poll Tax and the Publick there is generally in debt Because they are extremely jealous of attempts upon their Liberties & apprehensive that if at any time their Publick Treasury was rich, it might prove too great a temptation for an artfull Governor in conjunction with their own Representatives to divide the Spoile and betray them. It must be allow'd that a share of personal Interest or self love, influences in some degree every Man's affections, and gives a natural Impulse to all our Actions; and tho' this is most perceptible in Trade or Commercial Affairs, yet there is not any other Transaction in Life that passes without it, and as it is with Men in this case, so we find it has ever been with all States or Bodies Politick so long as they are independent one upon another; The Wisdom of the Crown of Britain therefore by keeping its Colonies in that situation is very much to be applauded, for while they continue so it is morally impossible, that any dangerous Union can be formed amongst them, because their Interests in Trade & all manner of Business being entirely separated by their Independency; Every advan-

tage that is lost or neglected by one Colony is immediately pick'd up by another; and the Emulation that continually subsists between them in all manner of Intercourse and Traffick is ever productive of Envy Jealousies and Cares how to gain upon each others Conduct in Government or Trade every one thereby endeavouring to magnifie their pretention to the Favour of the Crown, by becoming more usefull than their Neighbours, to the Interest of Great Britain.

But to Render the Colonies still more considerable to Britain and the managem^t of their Affairs much more easy to the King & his Ministers at Home, it would be convenient to appoint particular Officers in England only for the Dispatch of Business belonging to the Plantations, for often persons that come from America on purpose either to complain or to support their own just Rights are at a loss how or where to apply; this uncertainty does not only fatigue the Ministers, but frequently terminates in the destruction of the Party, by his being referr'd from Office to Office untill both his money and patience be quite wore out; such things in time may cool peoples affections and give them too mean an opinion of the justice of their Mother Country which ought carefully to be prevented for where there is Liberty the Inhabitants will certainly expect right, and still have an eye towards obtaining it one way or another.

It may be considered therefore how far it would be serviceable to put all the Crowns civil officers in the Plantations of what kind soever under the direction of the Board of Trade, from whom they might receive their several Deputations or appointments and unto whom they ought to be accountable both for^t their Receipts and Management and if a particular Secretary was appointed for the Plantation affairs only, or if the first Lord Commissioner of that Board was permitted to have daily access to the King in order to receive his Majesty's Commands in all business relating to the Plantations, the subjects application would be reduced into so narrow a compass and the Board of Trade would always be so perfectly acquainted with the Kings pleasure that great dispatch might be given even to those distant matters without taking up too much of the Ministry's time and interfiering with other perhaps more important business; The people of the Colonies would be pleased to find themselves thus equally regarded without giving one any undue preference to another, and all the Rents, Customs Reveneus and other Profits in any manner arising from the Plantations would then center in one place where another proper member of the same board might be appointed Treasurer of that particular Revenue, to answer all such orders as should

be issued from time to time for the Plantation service, and as the Revenues from America would in all probability be encreasing daily, it may be reasonably expected that the Expence of paying the Board of Trade and other officers wholly employed in Plantation affairs which is now born by the Civil List would then more properly arise and be discharged out of the American Fund and the overplus remaining would in time become a most usefull stock for purchasing of proprietary Lands, erecting Forts, and extending the present Settlements as far as the great Lakes or might be applied to such other uses as his Majesty should think proper for that service.

All that has been said with Respect to the improvement of the Plantations will it is supposed signify very little unless a sufficient Revenue can be raised to support the needfull Expence, in order to which it is humbly submitted whether the duties of Stamps upon Parchment and Paper in England may not with good reason be extended by act of Parliament to all the American Plantations.

When we do but cast an eye upon the vast Tracts of Land and immense riches which the Spanish Nation have in little more than one Century very oddly acquired in America in so much that the simple Priviledge of Trading with them on very high terms too, is become a Prize worth contending for amongst the greatest Powers in Europe surely we must on due Reflection acknowledge that the preservation and Enlargement of the English settlements in those parts is of the last consequence to the Trade Interest and Strength of Great Britain. And moreover considering how that the last resort of Justice in the Plantations is solely lodg'd in the King's sacred person with the advisement of his Majesty's Privy Council Exclusive of Westminster Hall or any other Judicature. The brightening of that Jewel in the Crown may not perhaps be thought unworthy of the present happy reign to which the improvement & future security of so large a part of the British Dominions, the advancement of Trade & universally supporting the glorious cause of Liberty seems to be reserved by the peculiar hand of Providence.

FINIS.

[B. P. R. O. B. T. VIRGINIA. VOL. 17. R. 17.—EXTRACT.]

LIEUT^e GOV^r DRYSDALE TO LORDS OF TRADE.VIRGINIA July 10th 1726.

My Lords

* * * * *

Ever since the year 1679 the importation of Tobacco from North Carolina has been prohibited by Law, and when the whole body of the Laws of this Colony were revised and reenacted the same prohibition was continued by a new act which was granted and approved by your Lordships Board, but that Act being doubtfully penn'd and seeming only to retain an importation by water (as in truth there could be no other at that time when the fronteers of both governm^{ts} were so little seated and no roads to render land carriage practicable) and the mischeifs increasing greatly within these few years by the number of People that have seated as well within y^e Bounds in controversy between the two Governm^{ts} as on the Northern Fronteers of Carolina it has been judged necessary to put a stop to that practice, by the Act passed this Session, ent an Act for the more effectual preventing the bringing Tobacco from North Carolina and the Bounds in Controversy: the reason of which is sett forth in the preamble, that the people of Carolina and of those boundaries being under no regulation in the manner of making and packing their Tobacco do by the importation of trash greatly injure the reputation of the Virg^a manufacture, and it is hoped this prohibition will fecilitate the determination of the controverted boundaries, and bring the People seated there more easily to submit to the Government of this Colony, since by a proviso in this Act they are to be no longer restrain'd than till the Limitts of the two Governments be determined.

* * * * *

I shall always remain

My Lords

Your dutifull and
obedient servant

HUGH DRYSDALE

[B. P. R. O. PROPRIETIES. B. T. VOL. 31. P. 401.]

REPRESENTⁿ WITH THE DRA^{ts} OF ADDITIONAL INSTRUCTIONS TO ALL HIS MAJESTY'S GOVERNOURS IN AMERICA, ABOUT SUSPENDING THE EXECUTION OF JUDGMENTS OR DECREES IN CASES OF APPEALS TO HIS MAJESTY. *Vide Plantations General.*

TO NORTH CAROLINA.

Additional Instructions to our Right Trusty and R^t Welbeloved the L^{ds} Prop^{rs} of our Province of North Carolina in America or to the Gov^r Dep^y Gov^r or Commander in Cheif of our said Province for the time being: Given at our Court &c

Whereas upon Appeals which have been made to us in our Priy Council, in Cases of Error from the Courts in several of our Colonies & Plantations in America, in Civil Causes great Inconveniencies have frequently arisen by the immediate issuing of Executions notwithstanding such Appeal unto Us, where the Appealee has become insolvent or hath withdrawn himself & his Effects from such Colony or Plantation, before our Pleasure could be known on such Appeal & our Orders for reversing the Orders and Decrees appealed from and for making Restitution of the Estates or Effects which have been so levy'd in Execution have been rendered ineffectual, and the Appellant left without any redress; Now for preventing the like Mischief for the future, it is our Will and Pleasure that Execution be suspended until the final Determination of such Appeal unless good & Sufficient Security be given by the Appealee to make ample Restitution of all that the Appellant shall have lost by means of such Judgement or decree, in case upon the Determination of such Appeal, such Decree or Judgement should be reversed & Restitution awarded to the Appellant.

July 28th 1726.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 28th day of July 1726

Present

The Honble Sir Richard Everard Barr^t Gov^r &c

{	William Reed	Tho ^s Harvey	{	Esq ^{rs} Members of Council
	Chri Gale	John Palin		
	J Lovick	Robert West		
	Edw ^d Moseley	E Gale		
	Richard Sanderson			

John Blount Esq^r a member of this Board being Dead the Honble the Govenor Nominated John Worley Esq^r to succeed him which the Major Part of this Council agreeing to the said Worley Qualified himself by taking and subscribing to the several Oaths by Law Appointed for the Qualification of Publick Officers as also the Test and his place at the Board accordingly

Adjourned to Monday next

Monday August the first 1726 met againe

Present

The Honble Sir Richard Everard Barr^t Gov^r &c

{	William Reed	Thos Harvey	{	Esq ^{rs} Members of the Council
	Chr Gale	John Palin		
	John Lovick	Edw ^d Gale		
	Edw ^d Moseley	J Worley		
	R Sanderson			

Ordered that a New Commission of the Peace Issue for the precinct of Pasquotank Directed to John Palin Esq^r John Solley Robt Lowry David Bayley Nath^l Hall Gabriel Burnham William Willson William Ludford John Relph John Armour

Ordered That Evan Jones be added to the Commission of the Peace for the precinct of Craven.

Ordered That the present Assembly be dissolved and that a Proclamation Issue for that purpose accordingly

Ordered That a New Commission of the Peace Issue for the General Court of this Province Directed to the old Members except Mr Lloyd and that Henry Bonner and Thos Speight Esq^{rs} be added

Ordered that a New Commission of the Peace Issue for the precinct of Beauford and Hyde directed to James Leigh Simon Alderson Gyles Shute Robt Turner Joshua Porter Samuel Slade Robert Payton Tho^s Worsey Jun^r John Worley Jun^r Roger Kenyon W^m Cordent

Read the Petition of James Hamilton Shewing that some time agoe James Howard obtained a Patent for 440 acres lying in Bertie Precinct on a hotsky Ridge which is not seated as the Law Directs & Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

A Caveat having been Entered by Mr John Bonde Adm^r of the Estate of Tho^s Boyd Esq^r deeed against Letters being Granted on a Writing that is now set up for the last Will of Boyd which being produced by the Persons named Executors therein It is the Opinion of this Board that the parties on each side produce their Evidence for and against the Probat of the will And that this Board veiwing the s^d writing gave it as their Opinion that the s^d Will or Writing was the proper hand writing of the s^d Boyd

And the council for the Executors objected against the other Partys producing any Witnesses Tending to prove a Revocation thereof unless the same be to prove a Revocation in writing pursuant to the Stat of the 29th Car 2^d Entituled &c

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 3^d day of August Anno Dom 1726

Present

The Honoble Sir Richard Everard Barr^t Gov^r &c

Chris Gale	Tho ^s Harvey	} Esq ^{rs} Members of the Council
J Lovick	Edm ^d Gale	
Ed ^d Moseley	John Worley	
R Sanderson		

Read the Petition of the Meherron Indians Complaining against divers of the Inhabitants of this Government for molesting them in their settlements and taking up their Lands And at the same time was Read also the Petition of Beal Browne Edw^d Powers in behalf of themselves and others living near the said Indians for molesting them

Ordered That the Parties on each side Do attend this Board at their Sitting in October next And that in the mean time Neither of the s^d Parties give one another any Disturbance in their Settlements.

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 25 day of Aug 1726

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{	Chris ^r Gale	Thomas Harvey	} Esq ^{rs} Members of the Council &c
	J Lovick	Edm ^d Gale	
	Edw ^d Moseley	John Worley	
	F ^r Foster		

The Honoble the Governor Informing this Board that the Maherron Indians had delivered up an Indian man belonging to them for killing an English Woman and two children whom he Committed close Prisoner to Goal Which this Board having considered of and to prevent the said Indian from making his Escape Do hereby order that the Chief Justice Do immediately call a Special Court of Oyer and Terminer for the Tryall of the s^d Indian The Maherrin Indians having had notice to attend And that a Copy of this order signed by the Honoble the Governor under the seal of the Colony and Counter signed by the Secretary shall be a Suffi-
cient authority to the said Chief Justice and his assistance for holding the s^d Court

August the 26 1726. This Council met again *ut supra* M^r Chief Justice laying before this Board a Copy of the Judgement against George Senecca an Indian for Murthering an English Woman and her Two Children *in hac Verba Viz^t*

NORTH CAROLINA—SS.

At a Special Court of Oyer and Terminer held at the Court house in Edenton on Thursday the 25th day of August Aⁿ D^{om} 1726, A Bill of Indictment was found by the Grand Jury against George Senecca an Indian Man of Bertie Precinct for having feloniously Murthered Catherine Groom Wife of Thomas Groom of Bertie precinct afores^d planter and Two Infants Children Daughter of the said Thomas and Catherine who upon his Arraignment Pleaded Guilty and he was thereupon sentence to be hanged

Given under my hand this 26th day of August 1726

C GALE C J

The fact appeared to have }
been very barbarous, and }
I see no cause to Reco^mend }
him to mercy. C G C J }

Ordered that a warrant Issue forthwith for putting the s^d Judgment in Execution this day some time between the hours of Ten and four in the afternoon.

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 27th day of October Anno Dom 1726

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{ William Reed	Richard Sanderson }	{ Esq ^{rs} Members of the Council
{ Chr Gale	Robt West }	
{ J Lovick	John Palin }	
{ E Moseley	Edm ^d Gale }	

The Council met and adjourned till to morrow morning

Octo 28th The Council met again Present as Before

Read the Petition of William James Setting forth that Thomas Stanton in the year 1714 obtained a Patent for a Tract of Land which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the Said Land

Ordered That a Patent Issue as prayed for

Read the Petition of John Banks Shewing that Thomas Lang obtained a patent for a Tract of Land which is not cultivated as the Law directs Therefore prays a Lapse patent may be Granted him for the same

Ordered That a Patent Issue as prayed for

Read the Petition of John Paget and Jonathan Bateman Shewing That Edward Hassell sometime agoe patented 534 acres of Land which is not Cultivated as the Law directs Therefore prays a Lapse patent for the same.

Ordered that a Patent Issue as prayed for

Read the Petition of Jonathan Bateman Shewing that Robert Fewox sometime agoe obtained a patent for 80 acres of Land which is not seated as the Law direct therefore prays a Lapse patent may Issue in his name for the said Land

Ordered that a Patent Issue as prayed for

Read the Petition of Robert Carr and Edward Barnes for a Tract of Land patented sometime agoe by Richard Holland which is not seated pursuant to Law Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Edward Barnes Shewing that Godfrey Lee sometime agoe Patented a Tract of Land which is not seated according to

Law Therefore prays a Lapse patent may Issue in his name for the s^d Land

Ordered That a Patent Issue as prayed for

Read the Petition of Edward Barnes Shewing that sometime agoe Godfrey Lee Patented a Tract of Land which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Terrence Swinney Shewing that Thomas Collins obtained a patent for one hundred acres of Land which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the said Land

Ordered That a patent Issue as prayed for

Read the Petition of Richard Smith Shewing that sometime agoe Nicholas Smith obtained a patent for a Tract of Land which is not seated as the law directs Therefore prays a Lapse patent may be granted him for the s^d Land

Ordered that a patent Issue as prayed for.

Read the Petition of William Drew Shewing that Richard Milton sometime agoe obtained a patent for 640 acres of Land lying Bertie precinct which is not seated as the law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a Lapse patent Issue as prayed for

Read the Petition of John Bryan Shewing that Richard Milton some time agoe obtained a patent for a Tract of Land lying in Bertie precinct which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of James Castellaw Shewing that Thomas Whitmel some time agoe patented a Tract of Land which is not cultivated as the Law directs. Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Christian Reed shewing that sometime agoe Co^{ll} William Reed obtained a Patent for a Tract of Land which is not seated Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

This day was read at the Board the Petition of the Meherrin Indians shewing that they have lived and Peaceably Enjoyed the said Towne where they now live for such a space of time as they humbly concieve

Entitles them to an Equitable Right in the same that they have not only lived there for many years but long before there were any English Settlements near that place or any notion of Disputes known to them concerning the dividing bounds between this Country and Verginia and have there made large improvements after their manner for the better support and maintainance of themselves and Families by their Lawfull and Peaceable Industry Notwithstanding which Co^{ll} W^m Maule and M^r William Gray have lately intruded upon them and have Surveyed their s^d Towne and cleared Grounds on pretence that it lye in this Government and that the s^d Indians have allways held it as Tributaries to Verginia which is not so praying this Board to take them into their Protection as their faithful and Loyall Tributaries and to secure to them a Right & Property in the said Towne with such a convenient Quantity of Land adjoining to it to be laid off by meets and Bounds as to them shall seem meet

Then also was Read the Petitions of Sundry Inhabitants Living near the said Indians Shewing That Sundry Familys of the Indians called the Meherrin Indians have lately Encroacht and settled on their Land which they begg leave to Represent with the true acco^t of those Indians who are not original Inhabitants of any Lands within this Governm^t but were formerly called Susquahannahs and Lived between Mary Land and Pensilvania and committing several Barbarous Massacrees and Outrages there Killing, as tis reported all the English there settled excepting Two Families, they then drew off and fled up to the head of Potomack and there built them a fort being pursued by the Mary Land and Verginia Forces under the Comand of One Major Trueman who beseiged the fort Eight months but at last in the night broke out thro the main Guard and drew off round the heads of several Rivers and passing them high up came into this country and settled at old Sapponie Town upon Maherrin River near where Arthurs Cavenah now lives but being disturbed by the sapponie Indians they drew down to Tarrora Creek on the same River where M^r Arthur Allen's Quarters is; afterwards they were drove thence by the Jennetto Indians down to Bennets Creek and settled on a Neck of Land afterwards Called Maherrin Neck because these Indians came down Maherrin River and after that they began to take the name of Maherrin Indians; but being known the English on that side would not suffer them to live there, then they removed over Chowan River and Settled at Mount Pleasant where Cap^t Downing now live but being very Troublesome there one Lewis Williams drove them higher up and got an order from the Governm^t that they should never come on the So. side of Wick-

kacones Creek and they settled at Catherines Creek a place since called Little Towne but they being still Mischievous by order of the Government Coll Pollock brought in the Chief of them before the Gov^r & Council and they were then ordered by the Govern^t never to appear on the south side of Maherrin They then pitched at the mouth of Maherrin River or the North side called old Maherrin Town where they afterwards remained tho they were never recieved or became Tributaries of this Govern^t nor ever assisted the English in their warrs against the Indians but were on the contrary very much suspected to have assisted the Tuskarooroes at the massacre The Baron De Graffen Reed offering his Oath that one Nick Major in Particular being one of the present Maherrin Indians Satt with the Tuscarooroes at his Tryall and was among them when Mr Lawson the Survey^r Gen^l was killed by them So that these Maherrins were not originally of this Country but Enemies to the English every where behaving themselves Turbulently and never lookt on as true men or friends to the English nor ever paid due acknowledgement to this Government Some years agoe Co^{ll} Maule the Survey^r Gen^l obtained an Order to Survey the Lands at old Maherrin Towne which was accordingly done and Pattented afterwards since that they have paid Tribute to this Govern^t and have been allowed by the Govern^t to remain on those Lands but since that a great sickness coming among them swept off the most of them and those that remained moved off those Lands at Maherrin Towne and Sundry of them have lately seated and Eneroached on your Petitioners Lands some miles higher up the River, destroyed their Timber & Stocks and hindering them from Improving their Lands they being unwilling themselves forcibly to remove the s^d Indians least some disorders might arise thereon; praying an order to the Provost Marshall That if the s^d Indians do not remove off in some convenient time they may be compelled thereto &c

Whereupon by the consent of both parties It is ordered in Council That the Survey^r Gen^l or his Deputy do lay out unto the said Indians a certain parcell of Land lying between Maherrin River and Blackwater River Running three miles up Blackwater River and then a Straight Line to such a part of Maherrin River as shall be Two miles from the mouth thoreof and if the same line shall leave out the settlement of Capt Roger a Maherrin Indian that then the Survey^r Gen^l do lay out a Tract of 150 acres the most convenient to his Dwelling Which Land when Surveyed the survey^r is to make return thereof into the Sectys Office that Grants may pass for the same to the said Indians It is further Ordered by this Board that the s^d Indians shall Quietly hold the s^d Lands

without any molestation or disturbance of any Persons claiming the same so as the same Persons Right or pretentions to the s^d Lands be Reserved into them whereby they or those claiming under them shall have the preference of taking up the same when the said Indians shall desert or remove therefrom

[COUNCIL JOURNAL.]

November the first 1726 The Council Met again

Present as before

Ordered That a New Commission of the Peace Issue for Carteret Precinct directed to the old members and Joseph Wicker Rich^d Williamson and Charles Cogdale

Resolved unanimously that the monday after the Opening of every General Court be the day for Chancery & Council business and that all Subpeanas and sum Issuing from the Chancery Office be returnable to that day

By order

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer and Terminer and Goale delivery held at the Courthouse in Edenton begun on Tuesday the twenty ninth day of March one thousand seven hundred and twenty six and continued by severall Adjournments to the second day of Aprill following

Present

The Hon^{ble} Christopher Gale Esq: Cheif Justice

John Lovick
Richard Sanderson
Thomas Harvey
John Palin
Edmund Gale
W^m Downing
Barnaby Mckinne
Robert Lloyd
Thomas Lovick
John Alston

} Esq^{rs} Justices of the Peace for this Gov-
ernment.

The following persons were impannell^d and sworne of the Grand Jury
Viz^l

Coll ^o John Worley	M ^r Anthony Hatch
M ^r Tho ^s Rountree	M ^r Geo ^r Sharrow
M ^r John Ismay	M ^r John Spier
M ^r Thomas Parris	M ^r Tho ^s Garrett Jun ^r
M ^r Tho: Luton Jun ^r	M ^r Richard Sanderson Jun ^r
M ^r Henry Speller	M ^r Francis Hobson
M ^r Tho ^s Ashley	M ^r Nathan ^l Hall
M ^r David Hicks	M ^r John Bonde
M ^r John Solley	M ^r Tho ^s Blitchenden
M ^r David Bailey	M ^r John Earley

who being charg^d with things proper for their Inquiry withdrew and consider^d the severall matters given them in charge and upon their returne presented the following Bills of Indictment viz^l

A Bill of Indictment against George Burrington Esq: for Trespass Assault Misdemeanour & breach of the peace contrary to the Act of Assembly in that case made & a Bill of Indictment ag^t George Burrington Esq: for Tresspass and Misdemeanour

A Bill of Indictment ag^t George Burrington Esq^r Cornelius Harnett and others for a Riot

A Bill of Indictment ag^t George Burrington Esq: for Trespass Assault & misdemeanour at pamlicough.

A Bill of Indictment against James Castellaw and John Nairne for a Misdemeno^r

A Bill of Indictment against Watkin Price for a Misdemeno^r

And presented George Allen for cursing King George Sometime in November last

An Informa^{co}n having been layd before the Grand Jury by George Burrington Esq: and the Evidences therein mention^d not appearing they moved the Court to direct them how to proceed thereon which sayd Information was read in these words Viz^l The Information of Mr. Burrington. A Bill produced the King against Mary Thornton by William Little last October Court for Felony on which was wrote Ignoramus tho never produced to the Grand Jury: Send for M^r Denmam and Phelps of pequimans Members of Assembly who were on that Jury.

And the sayd Charles Denmam who writt for the fforeman of the said Grand Jury at October Gen^l Court last being sworne in open Court and the aforesaid Bill against Mary Thornton with Ignoramus endorst thereon being shown to him upon his Oath did declare that he wrote the

said Endorsement for Joseph Sanderson fforeman of the sayd Jury and thereupon the Cheif Justice declared in Court that he particularly remembred the Grand Jury's returning it into his hands in a full body endorst Ignoramus which he then read to them openly; The Clerk of the Court also declared that he received the same in open Court from the Cheif Justice so endorst with some other Bills (the Grand Jury being present) all endorst by the same hand: And the Attorney Gen^l in Court declared that he remembred all this particularly & that he drew the sayd Bill gave it with his own hand to the Grand Jury with the Evidences endorsed on the Back who were sworne & with a Tickett which the Clerk now has he saw them go up to the Grand Jury to be examined thereon & they had the Bill in keeping until they return^d it into Court as aforesayd

Whereupon the Grand Jury withdrew and in a short time return^d the sayd Information endorsed in these Words viz^l Wee of the Grand Jurors find this Informa^con to be false

JOHN WORLEY Foreman

And then the Grand Jury was discharg^d from further attendance at this Court.

William Little Esq^r Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against George Burrington Esq: for Trespass assault Misdemeanor and breach of the peace contrary to the Act of Assembly in that case made in these words viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice & the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in March one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that George Burrington of Edenton in the Precinct of Chowan and County of Albemarle Esq^r not having the fear of God before his Eyes but Seditiously and maliciously intending and imagining the Hono^{ble} S^r Richard Everard Baronet Governo^r of the sayd Province to asperse and defame and him to bring into the evill opinion of his Majestys liege subjects Inhabitants of this Province and the present happy mild and just Administra^con of this Government to bring into contempt disorder and confusion & the principall officers thereof in the Executian of their offices to disturb and obstruct and Sundry of his Majestys Subjects within this Government to move & instigate to sedition and faction to caball and meet together to incite rebellious conspiracys Ryots and unlaw-

full feuds and differences thereby to disturb the Kings peace and Subvert the present Established Government and destroy the safety and tranquillity of it viz^l in Edenton in Chowan aforesayd on or about the fifteenth day of November one thousand seven hundred and twenty five in the presence and hearing of Sundry his Majesty's Leige Subjects he the sayd George Burrington did openly advisedly and with a malicious & Seditious intent against the sayd S^r Richard Everard Baronet then & still Governo^r of this sayd province speak utter publish and declare these false scandalous opprobrious and malicious words that S^r Richard (the aforesayd S^r Richard Everard Governo^r meaning) is no more fitt to be Governo^r (Governo^r of this Province meaning) than a Hogg in the Woods and that he (the sayd S^r Richard meaning) is a Noodle and an ape & also to Thomas Parris then present (being an Essex man) he the sayd George did say Damn You Tom are all your Countrymen such Fooles (the sayd S^r Richard again meaning) And further to foment disturbances and keep up faction and dissention and raise sedition & mutiny against the Governo^r he the sayd George Burrington to one James Winright speaking whom when he the sayd George was Governo^r he had formerly made Provost Marshall then and there openly to the sayd James did say I will make you (the sayd James meaning) Provost Marshall again within nine months and did also then & there and at other times declare openly and spread this false News or Report in the Hearing of Sundry of his Majesty's Subjects leige people that he (the sayd George Burrington meaning) should be Governo^r of this Province within nine months thereby encouraging party faction disquieting the people in their minds disfecting them to the Government and disturbing the peace and tranquility of it: And further to insult contemn and defy the sayd S^r Richard Everard Baronet & Governo^r and his good and mild Administra^on to vilify he the sayd George Burrington on or about the Second day of December one thousand seven hundred and twenty five Viz^l in Edenton aforesayd by force and Armes to the terror of his Majestys leige people in the night time with sundry others in a riotous ruffianly manner came to the house of S^r Rich^d Everard then & still Governo^r and rudely did violently knock at the door and he the sayd George calling out to S^r Richard declared openly that he (the sayd S^r Richard Meaning) was no more fitt to be Governo^r (the Governo^r of this Province which he then was and now is meaning) than Saucha Pancha thereby intending to defame ridicule & burlesque his Government and then and there opprobiously and in contempt of Governm^t called him the sayd S^r Richard calves head: And further then and there to the sayd S^r Richard Everard Governo^r he the

sayd George did publickly openly and maliciously utter and declare in the hearing of divers of his Majestys good Subjects inhabitants of this Province in a rude Seditious and threatning manner these words Come out you (the aforesayd S^r Richard the Governo^r meaning) I want satisfaction of you therefore come out and give it to me; And you Everard (the aforesayd S^r Richard then Governo^r meaning) You a Knight you a Barronet you a Governo^r (present Governo^r of this Province meaning) You are a Sancha Pancha Damn you (the said S^r Richard meaning) you are a sorry fellow and I (the said George himself meaning) will scalp your damn^d thick skull (the said S^r Richard's head meaning and threatening) and on these highly seditious and opprobrious Words and speeches he the sayd George being by the sayd Governo^r S^r Richard threatened that if he did not depart he the sayd Governo^r would have the sayd George punished the sayd George did thereon openly and publickly reply & utter these mutinous and seditious words You (the sayd Governo^r meaning) have not an officer dare speak to me or look me in the face (the officers and Ministers in the Administration and Executive of Justice meaning) All which highly Seditious Speeches and behaviour tend egregiously to move conspiracys raise faction and Sedition to defame bring into contempt and hatred the present lawfull Governo^r to discourage disturb and obstruct all the officers in the Government in the Execution of their Office & duty to hinder the Trade and Wellfare and quietness of the Country to raise mutinys and involve the Government in blood and misery and is against the Peace of Our Sovereign Lord the King that now is his Crown & dignity & contrary to Law & the Act of Assembly in such Case provided. And on motion of the sayd Attorney Gen^l It is Order^d that a Venire facias do issue requiring the sayd George Burrington to appear at the next Court on the last Tuesday in July next to make answer to the sayd Indictment.

William Little Esq. Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against George Burrington Esq. for Trespass and Misdemeanor in these Words viz^t

NORTH CAROLINA—SS.

To Christopher Gale Esq Cheif Justice and the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in March one thousand seven hundred and twenty six

The Jurors for our Sovereign Lord the King on their Oath do present that George Burrington late of Edenton Esq: for that Viz^t in Edenton aforesaid on or about the fourth day of January one thousand seven

hundred & twenty five he the sayd George in the night by force and Armes an Assault did make on Thomas Parris in Edenton aforesayd attempting to break open the doors of his house and threatened to murder him the sayd Thomas and his Family and particularly Adam Cockburne Esq: Collector then a Lodger in his house and also he the sayd George did then and there by force & Armes break to peices the Windows of the house of the sayd Thomas Parris and other Enormitys he the sayd George then and there did and perpetrated against the peace of Our Lord the King that now is his crown & dignity &c. And on the Motion of the sayd Attorney Gen^l It is Order^d that a Venire facias do issue requiring the sayd George Burrington to appear at the next Court on the last Tuesday in July next to make answer to the aforesayd Indictment.

William Little Esq: Attorney General: comes to prosecute the Bill of Indictment found by the Grand Jury against George Burrington Esq: Cornelius Harnett and others for a Riot in these Words viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice and the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in the month of March Anno Dⁿⁱ one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their oath do present that George Burrington late of Edenton Esq: Cornelius Harnett late of Chowan precinct planter and others unknown for that he the sayd George Burrington Viz^l in Edenton aforesaid on or about the Second day of December One thousand Seven hundred and twenty five in the night did riotously assault the house of S^r Richard Everard then & still Governo^r of this sayd province and also soon after the same night did riotously by force & armes assault Joseph Young Constable breaking open his doors & Windows and him the sayd Joseph a Constable he the sayd George with the Assistance of the others in his Company did then & there by force & Armes Strike batter beat bruise & wound and evilly intreat and Mary Young the Wife of the sayd Joseph was by the sayd Ryot forced out of her bed & putt in great fear & terror insomuch that thereon she miscarried of a Child she was then bigg with and also the sayd George Burrington Cornelius Harnett and others by force & Armes then & there did assault James Pottar who came to assist the sayd Joseph in keeping the peace he the sayd James being seiz^d by the sayd Cornelius and taken by the throat and he the sayd George swearing by the living God he would run him the sayd James Pottar thro' the body with his sword insomuch that with great difficulty he the sayd James escaped with his life

and afterwards the same night they the sayd George Burrington & Cornelius Harnett and others an Assault did make on Thomas Parris of Edenton & his doors then & there riotously and by force and Arms did break open & enter and the sayd George did threaten the sayd Thomas abused his wife & persuaded the sayd Cornelius to beat him the sayd Thomas insomuch that Susannah his wife was forced to run out of the house to call assistance to rescue her husband the family thereby being putt into disorder fear & terror & dread of their lives all which riots behaviour & misdemeanour is against the peace of our Lord the King that now is his Crown & dignity &c

And on the Motion of the sayd Attorney Gen^l It is Order^d that a Venire facias do issue requiring the sayd George Burrington to appear at the next Court on the last Tuesday in July next to make answer to the aforesayed Indictment.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against George Burrington Esq: for Trespass and misdemeano^r at pampticough in these Words viz^l

NORTH CAROLINA—ss.

To Christopher Gale Esq: Cheif Justice and the rest of the Justices of the Gen^l Court begun and held at Edenton the last Tuesday in March one thousand seven hundred and twenty six

The Jurors of our Sovereign Lord the King on their Oath do present that George Burrington late of Edenton Esq: not having the fear of God before his Eyes viz^l at the house of Roger Kenyon in Bath Town on or about the fourth day of March one thousand seven hundred and twenty five by force & Armes an Assault did make on the sayd Roger Kenyon and his house did threaten & attempt to burne and him did then and there evilly entreat and also then & there with force & Armes an Assault did make in and upon Robert Route Esq: Provost Marshall of the sayd province and him the sayd Robert then in the Execution of his Office being called upon & Attempting to keep and preserve the Kings peace he the sayed George did disturb and obstruct & him did then & there beat batter bruise & wound & evilly intreat and did threaten his life & Sent to him a private Challenge by a Messenger to fight him all which is highly injurious against the peace of Our Lord the King destructive to the Tranquillity of the Government & contrary to the Law in that Case made & provided &c. And on the motion of the sayd Attorney Gen^l It is Order^d that a Venire facias do issue requiring the said George Burrington to to appear at the next Court on the last Tuesday in July next to make answer to the aforesayed Indictment.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against James Castellaw & John Nairne for Misdemeanor in these Words viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Chief Justice and the rest of the Justices of the Gen^l Court begun and held at Edenton the last Tuesday in the month of March one thousand seven hundred and twenty six.

The Jurors for Our Sovereign Lord the King on their Oath do present that James Castellaw of Bertie precinct Planter and John Nairne of the said precinct planter not having the fear of God before their Eyes or their duty & Allegiances duly considering Viz^l in the sayd precinct of Bertie on or about the Seventh day of September one thousand seven hundred & twenty five in order to move Sedition raise Caballs & meetings for conspiracys in order to subvert the Government did Sollicite & obtaine Sundry petitions & declaracōns in a tumultuous manner to be signed by an unlawfull number against the present Government & the officers and Ministers in the Administracon thereof to change the same and also that they the sayd James & John Viz^l in the Sayd precinct on or about the tenth day of February One thousand seven hundred and twenty five with the same Malitious & Seditious intent to subvert the Government & disturb the peace and quiet thereof did disturb and obstruct William Little Esq Receiver Gen^l lawfully appoynted in the Execution of his sayd Office & did then & there write publish and utter a false Scandalous & Seditious Libell against the Government with other Enormitys against the peace of our Lord the King that now is &c: and contrary to the Acts & Statutes in Such Cases made & provided &c.

And on the motion of the sayd Attorney Gen^l

It is Order^d that a Venire facias do issue requiring the sayd James Castellaw & John Nairne to appear at the next Gen^l Court on the last Tuesday in July to make answer to the aforesayd Indictment.

William Little Esq: Attorney Gen^l Comes to prosecute the Bill of Indictment found by the Grand Jury against Watkin price for a Misdemeanour in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Chief Justice and the rest of the Justices of the Gen^l Court begun & held at Edenton the last Tuesday in March one thousand seven hundred & twenty six

The Jurors of our Sovereign Lord the King on their Oath do present that Watkin Price of pasquotank precinct planter Viz^l in the precinct of

pasquotank on or about the twenty fourth day of February one thousand seven hundred and twenty five Seditiously intending to breed mutiny and dissension & to disturb the peace & quiet of the present Government then & there did disturb & obstruct Joseph Stockley a lawfull Officer duly appoynted for collecting the Precinct Taxes for the sayd Precinct of Pasquotank then & there in the Execution of his sayd Office being and him the sayd Joseph he the sayd Watkin did assault & with force & Armes resist and evilly intreat against the Peace of our Lord the King that now is his Crown & dignity & contrary to the Act of Assembly in that case made & provided &c. And the sayd Watkin Price being bound to appear accordingly came & prayed time till the next Gen^l Court on the last Tuesday in July next to make answer to the sayd Indictment Thomas Swann his Attorney being very sick & weak & uncapable now to attend Which was granted

Thomas Bayley Clerk being bound by Recognizance now to appear accordingly came & is dismiss without day paying Costs.

George Allen of Edenton in the Province of North Carolina afores^d Physician being bound by Recognizance to appear &c accordingly came and was dismiss thereof without day paying Costs.

Elizabeth Marston of Edenton in Chowan Precinct being bound by Recognizance to appear &c at this Court accordingly came and was dismiss thereof without day paying Costs

George Allen being called to make answer to the Presentment made against him by the Grand Jury upon the Informa^on of Elizabeth Marston in these Words Viz^l An Information which is to be made to the Grand Jury by M^{rs} Elizabeth Marston which is as followeth Viz^l that on the Sixteenth Instant day at night of November last past in the house of Elizabeth Marston M^r George Allen was a Drinking of Claret with severall others in his Company at that time M^{rs} Elizabeth Marston did then hear M^r George Allen utter these Expressions which was God Damn King George if I knew when he was at Hanover I would go seize his Estate for he owes me money.

Which sayd Informa^on was thus indorsed Viz^l Wee of the Jurors upon a Complaint brought before us upon examina^on of M^r James Winright John Reekord & Falkner do find that in November last Geo: Allen did Curse King George as within & doe present him for the same & Signed John Worley Foreman.

And the sayd George Allen in his proper person came and acknowledged himself indebted to our sayd Sovereign Lord King George his heirs & successo^{rs} in the sum of five hundred pounds and Thomas Bet-

terley & William Daniell in the sum of two hundred and fifty pounds each to be levied on their severall Goods & Chattells Lands & Tenements &c With Condition that the sayd George Allen shall make his personall appearance at the next Gen^l Court to be held for this Government at Edenton the last Tuesday in July next on the third day of the sayd Court to make answer to the sayd presentment & in the mean time that he be of his good behaviour

A Bill of Indictment having been presented to the Grand Jury against James Pottar on Suspicion of having feloniously taken & carried away a certain parcell of Goods therein mention^d being return^d Ignoramus and he being bound by Recognizance now to appear accordingly came & was discharg^d by Proclamation Therefore It is consider^d that he may go hence without day payⁿ Costs.

And now here at this day Viz^l &c came the aforesayd Henry Baker by Thomas Jones his Attorney to prosecute his Appeall aforesayd from the Judgment of the Court held for Bertie Precinct; and William Maule the Appellee thō solemnly required came not. And it being fully understood by the Court here that the sayd William Maule Appellee departed this life at Bertie precinct aforesayd since the last continuance of the sayd Appeall Therefore it is consider^d that the sayd Appeall be dismiss^t & that the Appellant pay the Costs alias Ex^{tn}

The Petition of Benjamin Peyton Adm^{or} of the Estate of William Bell Deceased is again refer^d to the next Court on the last Tuesday in July next.

And now here at this day (Viz^l &c) came the aforesayd Paul Palmer by his said Attorney and the sayd Samuel Phelps also came and hereupon at their Motion & Consent the Arguments thereon are refer^d till the next Court on the last Tuesday in July next

And now here at this day (Viz^l &c) the aforesayd Peter Young thō Solemnly required came not nor did John Ismay his Security produce him Wherefore it was then and there Consider^d & Order^d that another Seire facias should issue requiring him to appear at the next Court on the last Tuesday in July next on the third day of the sayd Court.

And now here at this day (viz^l &c) the aforesayd Thomas Swann (thō Solemnly required) came not Wherefore at the motion of the Attorney Gen^l It is Order^d that another Venire facias do issue requiring him to appear at the next Court on the last Tuesday in July next

And now here at this day (viz^l &c) came the aforesayd Mackrro Scarbrough & prayed time till the next Court on the last Tuesday in July next to make answer to the aforesayd Indictment (Thomas Swann his

Attorney being very sick & weak & uncapable now to attend) Which was granted and Order^d that he then & there appear upon the same Recognizance.

George Burrington Esq: being bound by Recognizance now to appear accordingly came and by John Baptista Ashe his Attorney prayed day till the next Court to answer. Wherefore it is consider^d and Order^d that day be given him till the third day of the next General Court to which time the sayd Recognizance is continued.

On the Motion of George Burrington Esq: by John Baptista Ashe It is Consider^d & Order^d that he the sayd George Burrington or his sayd Attorney may have copys of the severall Indictments found by the Grand Jury against him at this Court

C. GALE C. J.

And then the Court Adjourn^d

By Order of the Cheif Justice

and Assistants

W. BADHAM C^{lk}

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer and Terminer & Goal Delivery held at the Courthouse in Edenton begun on Tuesday the twenty sixth day of July One thousand seven hundred and twenty six and continued by severall adjournments to the third day of August following.

Present

The Hono^{ble} Christopher Gale Esq: Cheif Justice

Barnaby Mackennie	} Esq ^s Assistants.
Robert LLoyd	
John Alston &	
Thomas Lovick	

The following persons were impannell^d and sworne of the Grand Jury viz^l

M ^r Tho ^s Betterley	M ^r Rich ^d Leary	M ^r John Cheshire
Cap ^t Sam ^l Patchett	M ^r John Relf	M ^r William Roades
M ^r Rob ^t Hicks	M ^r Joseph Stoakley	M ^r James Caroone
M ^r ffra: Branch	M ^r Rich ^d Oldner	Cap ^t Roger Kenyon
M ^r Henderson Luton	M ^r James Peak	M ^r Simon Alderson
M ^r Thomas Cook	M ^r John Power	M ^r Daniel Garrett
M ^r Tho ^s Hoskins		
M ^r Constant. Luton		
M ^r Jerem ^s Pratt		

Who being charg^d with things proper for their Enquiry withdrew & consider^d the severall matters given them in charge and on their Returne made Presentment of the following Bills Viz^l

A Bill of Indictment against Anne Speir the Wife of James Speir of Bertie Precinct for felony and Murder.

A bill of Indictment against John Martin of Pasquotank Precinct for a Misdemeanor

A Bill of Indictment against William Ross of Pasquotank precinct for a Misdemeanor

And then the Grand Jury was discharg^d from further Attendance at this Court.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against Ann Speir the Wife of James Speir of Bertie Precinct for Felony & Murder in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Chief Justice & the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in July one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that Ann Speir Wife of James Speir of Bertie precinct not having the fear of God before her eyes but moved by the instigation of the Devill and her own wicked heart of malice forethought viz^l in Bertie precinct aforesayd on or about the twelfth day of November one thousand seven hundred and twenty five by force & Arms feloniously & voluntarily with her hand did tear out and destroy the body and Wound of Patience Spier the wife of John Speir of the sayd precinct so that thereof she languished for some time Viz^l untill the last day of sayd Month and then & thereof dyed and so the Jurors aforesayd upon their Oath aforesaid do say that the sayd Ann on the said thirtieth day of November in Bertie p^cinct aforesaid in manner and form aforesayd and of malice forethought feloniously and voluntarily the sayd Patience did kill and murder against y^e Peace of Our Sovereign Lord the King that now is his Crown & dignity &c.

Sign^d W^m LITTLE Attorney Gen^l

And on the Motion of the Attorney Gen^l It was then & there Order^d that process should issue against the sayd Ann Speir Whereupon David Osheall into Court came and offer^d himself Security for the sayd Ann's Appearance and was accordingly admitted and he the sayd David on the

behalf of the sayd Ann prayed leave of the Court here to come to tryall to which the Attorney Gen^l aforesaid objected by reason that he was not provided with all the Evidences and the Arguments thereon heard It was then & there consid^d and Order^d that she may come to tryall at three of the Clock in the afternoon at which time the sayd Ann in the Custody of the Marshall to the Barr was brought And upon the Indictment aforesayd was Arraigned and upon her Arraignment pleaded (Not Guilty) and for tryall thereof putt herself upon God and the Country Whereupon the Marshall was comanded that he cause to come twelve &c by whom &c who to neither &c and there came John Falconer Edward Standing William Halsey James Smith Richard Skinner Edward Moore John Jones Jun^r John Robertson Thomas Mathews William Whitfield John Harloe & Charles Barber

Who being impaynell^d and sworne say Wee of the Jury find Anne Speir Not Guilty of the felony & Murder whereof she stood indicted

Sign^d

JOHN FALCONER Foreman

Whereupon the sayd Ann Speir was discharg^d by Proclamacon and may go hence without day paying fees and charges.

NORTH CAROLINA—SS.

To Christopher Gale Esq. Cheif Justice and the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in July one thousand seven hundred & twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that John Martin of Pasquotank Precinct Planter Viz^l in the sayd Precinct of Pasquotank on or about the twenty seventh day of Aprill one thousand seven hundred & twenty six not having the fear of God before his Eyes but corruptly and seditiously intending to begett mutiny and dissension and insurrection and disturb the present Government and the repose and quiet thereof utterly to destroy in a violent and mutinous manner did with force & Armes resist and willfully obstruct David Bailey of the sayd Precinct a Collector lawfully and duly appoynted to receive and collect the Precinct Levys within the sayd precinct he the sayd David then & there in the Execution of his sayd Office being which is against the peace of our Sovereign Lord the King that now is his Crown & dignity and against the Act of Assembly in that Case made & provided

Sign^d

W^m LITTLE Att^o Gen^l

And on Motion of the sayd Attorney Gen^l Order^d that a Capias should issue; Whereupon Thomas Swann into Court came and prayed leave to appear for the sayd John Martin which was granted (he promising and agreeing to enter such a plea as may require no Evidence except matter of Record) And at his further request the same is refer^d for Tryall till the next Court on the last Tuesday in October next

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against William Ross of Pasquotank precinct for a misdemeano^r in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice and the rest of the Justices of the Gen^l Court held at Edenton the last Tuesday in July one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that William Ross of Pasquotank Precinct planter Viz^l in the sayd Precinct of pasquotank on or about the seventeenth day of March one thousand seven hundred and twenty five not having the fear of God before his Eyes but corruptly and Seditiously intending to begett Mutiny and dissention and insurrection & disturb the present Government and the repose & quiett thereof utterly to destroy in a violent and mutinous manner did with force and Armes resist and willfully obstruct Joseph Staakley of the sayd Precinct a Collector lawfully and duly appoynted to receive and collect the Precinct Levys within the sayd precinct he the sayd Joseph then & there in the Execution of his sayd Office being which is against the Peace of our Sovereign Lord the King that now is his Crown and Dignity and against the Act of Assembly in that Case made and provided &c

Sign^d

W^m LITTLE

And on the motion of the sayd Attorney Gen^l It was then & there Order^d that Process should issue against the sayd William Ross thereby to compell him to appear at the next Gen^l Court on the last Tuesday in October next to make answer to the aforesayd Indictment

John Armstrong being brought before this Court by vertue of a Warrant from the Attorney Gen^l for having passed in payment two ten shill^l Bills that are Counterfeit to Edmund Smithwick which Bills where here in Court produced and the sayd Smithwick made Oath that he rec^d the same Bills of the sayd John Armstrong the sayd Armstrong also being examin^d about them declared upon Oath that he rec^d the same two Bills of Thomas Oldner of Bertie precinct in payment of money due to the

sayd Armstrong from James Kelly And the sayd James Kelly being also brought into Court and Examin^d as well about the aforesayd two Bills as a five pounds Counterfeit Bill produced to this Court by Thomas Peirce Jun^r who on his Solemn Affirmacon did declare that he recd the sayd Bill in payment from the sayd James Kelly & he the sayd James Kelly being thereon examin^d and the Bill to him being shown did acknowledge and confess that he believes it to be the same Bill which he payd to the sayd Peirce and it being Ask^d him of whom he receiv^d he on Oath declared that he receiv^d the sayd Bill of Thomas Oldner in part of payment of Eleven pounds some time in June last, Wherefore It was Consider^d and Order^d that he enter into Recognizance in the sum of one hundred pounds Sterling with Sureties in the like sum thereby to compell him to appear at the next Gen^l Court to answer such matters as shall then & there be objected against him and in the mean time that he be of good behaviour.

And accordingly he the sayd James Kelley acknowledged himself indebted to our Sovereign Lord King George his Heirs & Successors in the penall sum of one hundred pounds Sterling and Edward Moore & John Armstrong both of Bertie precinct planters in the sum of fifty pounds Sterling each to be levyed on their severall goods & Chattells Lands and Tenements &c With Condition that the sayd James Kelly shall appear as aforesayd and in the mean time be of good behaviour

The Hon^{ble} Christopher Gale The Cheif Justice informing this Court that on the twenty sixth of this instant July he receiv^d a Complaint from Mr Edmund porter setting forth that an assault had been made upon him in one of the publick streets of Edenton by the Hon^{ble} S^r Richard Everard Baron^t Governo^r John Lovick Esq: Secretary William Little Esq: Attorney Gen^l Coll^o John Worley and Robert Foster Gen^t And also that he had been inform^d by the sayd S^r Richard Everard the Attorney Gen^l and Severall others of an assault made by the aforesaid Edmund porter on the person of John Lovick Esq^r Secretary and one of the Members of the Councill at the same time & place Whereupon the Court proceeded to receive the Depositions of Sundry persons produced by the Complainant as well as an Informacon inform from the Attorney Gen^l And upon hearing the whole matter as well the Complaint and the Informacon as the Depositions thereon taken It seem^d to the Court here and it is the Opinion of the whole Court that the sayd Edmund Porter was the Aggrosso^r and did first Assault John Lovick Esq: as sett forth in the Informacon aforesaid.

And now here at this day (Viz^l &c) came the aforesayd Thomas Swann in his own proper person and by the consent of the Attorney Gen^l & the sayd Thomas Swann the Suite is putt in respite untill the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) the aforesayd Maekroro Scarbrough (tho Solemnly required) came not Wherefore at the Motion of the Attorney Gen^l day is given him untill the next Court on the last Tuesday in October next then and there to appear &c.

And now here at this day (Viz^l &c) the aforesayd peter Young (tho Solemnly required) came not: Wherefore at the Motion of the Attorney Gen^l day is given to him untill the next Court on the last Tuesday in October next then & there to appear &c.

Coll^o John Worley being bound by Recognizance now to appear &c accordingly came and is dismist without day paying Costs.

And now here at this day (Viz^l &c) came the aforesayd Paul Palmer and the sayd Samuel Phelps also came and the aforesayd Order passed at a Court held for the precinct of perquimons on the twelfth day of January one thousand seven hundred and twenty four being read and the Arguments on both sides being heard duly consider^d & by the Court here fully understood It is Adjudg^d that the sayd Order of the Court of perquimons precinct be confirm^d and that the sayd Paul palmer pay Costs alias Exōn

And now here at this day (Viz^l &c) came the aforesayd Benjamin Peyton Adm^{or} as aforesayd and prayed leave to withdraw his petition aforesayd which was to him granted

And now here at this day (Viz^l &c) the aforesayd George Burrington Esq: being called again on his Recognizance to answer the Indictment found against him as aforesayd for Trespass Assault misdemeano^r & breach of the peace contrary to the Act of Assembly in that Case made now failed to appear. Thereupon John Bap^a Ashe prayed leave of the Court that he might appear on behalf of the sayd George Burrington which was granted provided he found Speciall Bayle which he refusing to do his appearance was not accepted Whereupon the Attorney Gen^l prayed that a Seire facias be issued which was accordingly granted.

And now here at this day (Viz^l &c) the sayd George Allen being called upon his Recognizance to answer to the Presentment of the Grand Jury at the last Gen^l Court accordingly came and desired his appearance might be entred and also pray^d leave to appear by Council having some matters of Law thereon to move which was granted. and accordingly David Osheal & James Everard were admitted by the Court here to be of

Councill for the sayd George Allen by whom he made his plea or Exception to the sayd presentment in these Words Viz^l

George Allen practiser of Physick & Surgery by David Osheat his Attorney comes into Court and moves to this Court that the sayd presentment as well in substance as form is altogether vitious & uncertain for that the year is omitted when the words are supposed to be spoken, the parish where, the addition of this Deft's degree or imploy the Town and County where this Deft: liveth for all which manifest Errors and uncertaintys this Deft: prays the sayd presentm^t may be quash^d; And the matter being argued as well by William Little Esq: Attorney Gen^l on behalf of our Sovereign Lord y^e King and in defence of the sayd presentment as by the Councill assign^d for the sayd George Allen and by the Court thoroughly examin^d and fully understood It is Consider^d that the sayd presentment be quash^d and it is further Order^d that the sayd George Allen be bound by Recognizance to appear at the next Court on the last Tuesday in October next & in the mean time to be of his good behaviour.

Whereupon the sayd George Allen in his own proper person came and acknowledged himself indebted to our Sovereign Lord King George his Heirs & Successors in the sum of one hundred pounds Sterling and Thomas Betterley and Patrick Ogilby in the sum of fifty pounds Sterling each to be levy^d on their severall goods & Chattells Lands & Tenements &c With Condition that the sayd George Allen shall personally be and appear at the next Gen^l Court to be held for this Government at Edenton the last Tuesday in October next on the third day of the sayd Court and shall not depart thence without leave of the sayd Court & in the mean time to be of his good behaviour then this Recognizance to be Voyd.

And now here at this day (Viz^l &c) the Attorney Gen^l aforesayd came to prosecute the sayd George Burrington on the Bill of Indictment found ag^t him by the Grand Jury at the last Gen^l Court for Trespass & Misdemeanor and the sayd George tho' Solemnly called came not Whereupon at the motion of the sayd Attorney Gen^l a Capias is Order^d to be issued thereby to compell him to appear &c.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the aforesayd George Burrington Cornelius Harnett and others unknown on the Bill of Indictment found against them by the Grand Jury at the last Gen^l Court for a Ryott And the sayd George Cornelius and others tho' Solemnly required came not; Whereupon at the motion of the sayd Attorney Gen^l a Capias is order^d to be issued thereby to compell them to appear &c.

And now here at this day (viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd George Burrington on the Bill of Indictment found against him by the Grand Jury at the last Court for Trespass Assault and Misdemeanors by him committed in Bath County and the sayd George thō Solemnly required came not Whereupon at the motion of the Attorney Gen^l a Capias is Order^d to be issued thereby to compell him to appear &c.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the aforesayd James Castellaw and John Nairne on a Bill of Indictment found against them by the Grand Jury at the last Gen^l Court for a Misdemeanor and the sayd James and John (thō Solemnly required) came not. Whereupon at the Motion of the sayd Attorney Gen^l a Capias is Order^d to be issued thereby to compell them to appear &c.

And now here at this day (viz^l &c) came the sayd Attorney Gen^l to prosecute the aforesayd Watkin price on the sayd Bill of Indictment. And the sayd Watkin by Thomas Swann his Attorney appear^d and pray^d that the Tryall thereon may be respited till the next Court on the last Tuesday in October next he promising and agreeing to enter such a plea as may require no Evidence except matter of Record which by and with the consent of the Attorney Gen^l is granted.

The Information made by the Reverend M^r John Blacknall of Edenton in Chowan precinct Clerk to Christopher Gale Esq: Cheif Just: against himself for joynning together in the holy estate of Matrimony Thomas Spencer & Martha paula a Molatto Woman at the motion of the Attorney Gen^l is continued to the next Court on the last Tuesday in October next.

The Informa^{ti}on made by the Rev^d M^r John Blacknall of Edenton in Chowan precinct Clerk against Thomas Spencer of Curratuck prec^t for joynning himself in Marriage to Martha paul a Molatto Woman at the motion of the Attorney Gen^l is Continued to the next Court on the last Tuesday in October next.

George Burrington Esq: being bound by Recognizance to appear at this Court for breach of the peace is dismist & thereof may go without day paying Costs.

Lewis pompey being bound by Recognizance to appear at this Court is dismist thereof without day paying Costs.

John Richard being bound by Recognizance to appear at this Court is dismist and may go thereof without day paying Costs

William Biggs being bound by Recognizance to appear at this Court to answer such matters as should be objected against him by the Court or Attorney Gen^l accordingly came and the Attorney having nothing to

prosecute ag^t him he is dismist and may go thereof without day paying Costs.

Massey Musick bound by Recognizance to appear at this Court now came and at the motion of the Attorney the same Recognizance is continued till the next Court on the last Tuesday in October next.

Rich^d Washington bound by Recognizance to appear at this Court now came And on the motion of the Attorney Gen^l the sayd Recognizance is continued to the next Court on the last Tuesday in October next for the sayd William then & there to appear &c.

William Whitfield bound by Recognizance to appear at this Court accordingly came and the Attorney Gen^l informing the Court that he hath nothing whereon to prosecute Therefore it is Consider^d that the sayd William Whitfield may go thereof without day paying Costs.

William Hind bound by Recognizance to appear at this Court accordingly came & the Attorney Gen^l having nothing against him whereon to prosecute he is dismist without day paying Costs.

Elizabeth Harrison bound by Recognizance to appear at this Court is dismist and may go thereof without day paying Costs.

John Vanpelt being bound by Recognizance to appear at this Court is dismist and may go thereof without day paying Costs.

Isaac Ottiwell bound by Recognizance to appear at this Court to prosecute Hugh Bryan is discharg^d thereof & may go without day paying Costs the sayd Hugh Bryan having broke Goal and is field.

Arthur Mabson of pasquotank precinct into Court in his own proper person came and prayed that his Appearance might which was granted & accordingly Order^d to be done.

And then the Court }
adjourn^d }
by Order of the Cheif Just
and Assistants

C. GALE C. J.

W. BADHAM Cler Cur Gen.

NORTH CAROLINA—SS.

Att a Speciall Court of Oyer and Terminer held at Edenton on the twenty fifth day of August Anno Dⁿⁱ one thousand seven hundred and twenty six.

Present

The Hon^{ble} Christopher Gale Esq : Cheif Justice

Thomas Lovick } Esq^{rs} Assistants
Henry Bonner }

An Order of Councill impowering the sayd Cheif Justice and his Assistants to hold a speciall Court for the Tryall of George Senneka being read in these Words Viz^l

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the twenty fifth day of August Anno Dⁿⁱ one thousand Seven hundred & twenty six

Present

The Hon^{ble} S^r Richard Everard Baron^t Gov^r &c.

++++++ + SEALE + ++++++	Christopher Gale	Tho ^s Harvey	Esq ^{rs} Members of the Council
	John Lovick	Edm ^d Gale	
	Edw ^d Moseley	John Worley	
	Francis Foster		

The Hon^{ble} the Governo^r informing this Board that the Maherrin Indians had deliver^d up to him an Indian Man belonging to them for killing an English Woman & two Children who he comitted close prisoner to Goal which this Board having Consider^d and to prevent the sayd Indian from making his Escape do hereby Order that the Cheif Justice do imediately call a Speciall Court of Oyer & Terminer for the Tryall of the sayd Indian the Maherrin Indians having had notice to attend And that a Copy of this Sign^d by the Hon^{ble} the Governo^r under the seale of y^e Colony and Countersign^d by the Secretary shall be a sufficient Authority to the sayd Cheif Justice & his Assistants.

Sign^d RICH^d EVERARD

Sub Sign^d J. LOVICK Sec^{ry}

And the following persons were impannell^d & Sworne of the Grand Jury Viz^l

{	Mr Geo. Allen	{	Mr Cha: Wilkins	{	Mr Sam ^l Patchett
	Mr Rob ^t Hicks		Mr Orland ^o Champion		Mr Fra: Branch
	Mr John Charlton		Mr Tho ^s Hoath		Mr John Crispe
	Mr Tho ^s Hopkins		Mr Tho ^s Betterley		Mr John Jones
	Mr Tho ^s Mathews		Mr Edw: Standing		Mr Const. Luton

Who being charg^d with the facts comitted by the sayd George and mention^d in the aforesayd Order withdrew and upon their return made presentment of the following Bill Viz^l

A Bill of Indictment against the sayd George Seneka for feloniously murdering Catherine Groom the Wife of Tho^s Groom of Bertie precinct planter & two infant Children the Daughters of the aforesayd Thomas & Catherine in these words Viz^l

NORTH CAROLINA—SS.

To the Hon^{ble} Christopher Gale Esq: Cheif Just: & the rest of the Justices for holding a Speciall Court of Oyer & Terminer for the sayd province on the y^e twenty fifth day of August one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that George Sencka an Indian Man of Bertie precinct not having the fear of God before his eyes but mov^d by y^e instigation of the Devil & his own Cruel feirce & Savage nature Vizl in Bertie precinct aforesayd on or about y^e twenty fifth day of July one thousand seven hundred & twenty six by force & Arms an Assault did make upon one Catherine Groom the Wife of Thomas Groom of Bertie & on two Infant Children Daughters of the sayd Thomas & Catherine Groom & with an Axe of the value of two shillings which in his hand he then hand he the sayd George feloniously Voluntarily and of malice forethought in Bertie precinct aforesaid Struck & barbarously wounded the sayd Catherine on the head & also the sayd two Infants with the s^d Instrument then & there in like manner did wound so that of the sayd Cruel wounds the sayd Catherine & the s^d two infants did then & there instantly dye & so the Jurors aforesayd on their sayd Oath do say that the sayd George on the sayd twenty fifth day of July in the s^d precinct of Bertie y^e afores^d Catherine Groom & the sayd two female children in manner aforesayd & of malice forethought feloniously & voluntarily did kill & murder against the peace of our Sovereign Lord the King that now is his Crown & dignity &

Sign^d W^m LITTLE P D^{no} Rege Att^o Gen^l

To which Indictment the sayd George Senneca upon his Arraignment pleaded Guilty

Judgement to be hang^d

and then the Court adjourne^d

By order of the Cheif

C. GALE C. J.

Justice and his Assistants

W. BADHAM Cler Cur Gen

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer and Gen^l Goale Delivery held at Edenton begun on Tuesday the twenty fifth day of October Anno Dni one thousand seven hundred and twenty six & continued by Severall adjournm^{ts} to the first day of November following.

Present

The Hon^{ble} Christopher Gale Esq: Cheif Justice

W ^m Downing	} Esq ^s Assistants
Barnaby Mackenny	
Thomas Lovick	
Henry Bonner and	
Thomas Speight	

The following persons were impannell^d and Sworne of the Grand Jury
Viz^l

Major Thomas Luton	M ^r Tho ^s Rountree	M ^r George Allen
M ^r Benj ^a Hill	M ^r Tho ^s Garrett	M ^r Jonathan Jacocks
M ^r John Bonde	M ^r Tho ^s Mathews	M ^r Edward Standing
M ^r W ^m Howett	M ^r Tho ^s Jones	M ^r Clem ^t Hammond
M ^r Edw: Howard	M ^r Sam ^l Warner	M ^r Joseph Sanderson
M ^r W ^m Lattimer	M ^r Rob ^t Laneer	M ^r Rich ^d Church
		M ^r Robert Hicks

Who being charg^d with things proper for their Enquiry withdrew and on their Returne made presentment of the following Bills Viz^l A Bill of Indictment ag^t Thomas Gray for Felony

A Bill of Indictment ag^t Mary Gorman for murder

A Bill of Indictment against William Lewis Jun^r for Felony

A Bill of Indictment against John Richardson for Felony

A Bill of Indictment against John Richardson for an Escape out of Prison

A Bill of Indictment against Thomas Oldner for Felony

Also they presented Edmond porter of Chowan precinct Gen^t for menacing and Assaulting the Hon^{ble} Rich^d Everard Baron^t Governo^r of this province and also for assaulting the Hon^{ble} John Lovick Esq: Secretary in a riotous manner.

And then the sayd Grand Jury was discharg^d from further Attendance.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against Thomas Gray for Felony in these Words Viz^l

NORTH CAROLINA—SS.

To the Hon^{ble} Christopher Gale Esq: Cheif Justice and the rest of the Justices of the Gen^l Court at a Session begun & held at Edenton on the last Tuesday in October one thousand seven hundred and twenty six.

The Jurors for our Sovereign Lord the King on their Oath do present that Thomas Gray of perquimons precinct Labourer not having the fear of God before his Eyes but moved by the instigation of the Devil Viz^l

in the p̄cinct aforesayd on or about the tenth day of Aprill one thousand seven hundred & twenty six by force and Armes did fraudulently and feloniously Steale take and carry away from Thomas Speight Esq: of the sayd p̄cinct half a Side of leather & a quantity of sheeps Wooll and a parcell of Nayles some Cottons & Some blew linen all of the value of twenty shillings Sterling against the peace of Our Lord the King that now is his Crown & dignity &c.

Upon which Indictment the sayd Thomas Gray was Arraigned and upon his Arraignment pleaded not Guilty and for Tryall thereof put himself upon God and the Country.

Whereupon the Marshall was comāded to cause to come twelve &c: and there came M^r John Woodhouse, John Charlton George Turnedge Joseph Stockley Rich^d Willson Thomas Hoskins Francis Branch William Halsey Edward Moore Joshua Turner John Relf & Ralph Boze-man who being impannell^d and sworne say Wee of the Jury do find the prisoner at the Barr guilty of goods stolen to the value of ten pence

Sign^d JOHN WOODHOUSE Foreman

Then the sayd Thomas Gray being asked if he had anything to say why Sentence should not pass against him as the law in that Case hath provided and he offering nothing in avoydance thereof Therefore It is Consider^d and Adjudg^d that he be carried to the publick Whipping post And that he there receive thirty lashes on his bare back And that he give Security for his good behaviour for twelve months & a day himself in the sum of fifty pounds Sterling & his Suretys in the sum of twenty five pounds Sterling each and that he remaine in custody untill he performe the same Whereupon the sayd Tho^s Gray acknowledg^d himself indebted to our Sovereign Lord King George his Heirs and successo^{rs} in the sum of fifty pounds Sterling and Thomas Harvey Esq: and John Doe in the sum of twenty pounds Sterling each to be leyed on their Severall goods and Chattells Lands & Tenem^{ts} &c With Condi^{ti}on that the above bound Thomas Gray be of his good behaviour towards his Majesty & all his leige Subjects for twelve months & one day then this Recognizance to be voyd else to remaine in full force &c.

Edward Rouse came into Court & Acknowledged that he was ayding & assisting the sayd Thomas Gray in the aforesayd fact charg^d against him in the sayd Indictment & that they are true also praying of the Court for mercy Wherefore It was Consider^d that he should allow^d of as an Approver & was accordingly admitted an Evidence on the behalf of our Sovereign Lord the King at the Tryall aforesayd.

On the petition of Lewis Skinner Constable praying praying to be allow^d for his Attendance trouble & charge in apprehending the aforesaid Thomas Gray It is Order^d that he be allow^d the sum of one pound two shill^s & Six pence with Costs alias Exōn

On the petition of Thomas Speight Esq: praying to have his goods restored which were taken from him by the aforesayd Thomas Gray, Order^d that a Writt de bonis restituendis do issue directed to the provost Marshall commanding him to restore to the petitioner his goods in the aforesayd Indictment mention^d

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against Mary Gorman for Murder in these Words Viz^t:

NORTH CAROLINA—ss.

To the Hono^{ble} Christopher Gale Esq. Cheif Justice & the rest of the Justices of the Gen^l Court at a sessions begun and held at Edenton the last Tuesday in October one thousand seven hundred & twenty six

The Jurors for our Sovereign Lord the King on their Oath do present that Mary Gorman of North Carolina Spinster on or about the fifteenth day of August One thousand seven hundred & twenty six viz^t in the precinct of Curratuck had born of her body a living child which sayd child then & there being alive by Law was a Bastard & afterwards viz^t the same day in the precinct aforesayd the sayd Mary Gorman not having the fear of God before her Eyes but moved and Seduced by the instigation of the Devil by force & Armes in and upon the sayd Infant then alive did feloniously & voluntarily & of malice forethought make an Assult & the sayd living child then & there feloniously and voluntarily and of malice forethought cast helpless into y^e Water whereby the said child was drown^d & instantly dyed & so the Jurors aforesayd on their Oath do say that the sayd Mary Gorman the aforesayd Infant at Curratuck aforesayd on the sayd fifteenth day of August in the year aforesayd in the manner aforesayd feloniously voluntarily & of malice forethought did kill & murder ag^t the peace of our Sovereign Lord the King his Crown & Dignity &c. Upon which Indictment the sayd Mary Gorman was arraigned and upon her arraignment she pleaded Not Guilty and for Tryall thereof she putt herself upon God & the Country.

Whereupon the Marshall was commanded to cause to come twelve &c: and there came viz^t: M^r John Charlton Joseph Stoakley Rich^d Willson Tho^s Hoskins Will^m Halsey Edward Moore Joshua Turner John Relf Ralph Bozeman William Sadler Robert Evans Francis Branch who being

impannell^d and Sworne say Wee of the Jury find the Prisoner at the Barr
Not Guilty

Sign^d

JOHN CHARLTON Foreman

Whereupon she was discharg^d by proclamacon and dismist thereof
without day paying costs.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of
Indictment found by the Grand Jury against William Lewis Jun^r for
Felony and the sayd William tho' Solemnly required came not: Where-
upon at the motion of the sayd Attorney Gen^l a Capias is Order^d to be
issued thereby to compell him to appear & that a Warrant should be sent
to the provost Marshall to seize his goods & Chattells

William Little Esq: Attorney Gen^l comes to prosecute the Bill of
Indictment found by the Grand Jury ag^t John Richardson for felony in
Counterfeiting the Current Bills of Credit as by an act of Assembly in
that made is sett forth & the s^d John tho' Solemnly required came not
Whereupon at the Motion of the Attorney Gen^l a Capias is Order^d to be
issued.

William Little Esq: Attorney Gen^l comes to prosecute John Richard-
son on the Bill of Indictment found by the Grand Jury ag^t him for felo-
niously breaking prison & an Escape & the sayd John tho' solemnly
required came not. Wherefore at the Motion of the Attorney Gen^l a
Capias is Order^d to be issued to apprehend him (if to be found) and also
a Warrant to seize his Goods & Chattells

William Little Esq: Attorney Gen^l comes to prosecute Thomas Oldner
on the Bill of Indictment found against him by the Grand Jury for
felony in Counterfeiting the Current Bills of Credit of this Governm^t
contrary to an Act of Assembly in that Case made And the sayd Thomas
tho' solemnly required came not. Wherefore at the motion of the Attor-
ney Gen^l a capias is Order^d to be issued to apprehend him if to be
found &c. '

The Presentment made by the Grand Jury against Edmond porter of
Chowan precinct Gen^t was read in these words Viz^t

NORTH CAROLINA—ss.

October the twenty ninth one thousand seven hundred & twenty six
Wee of the Grand Jury on the Evidence of the Hon^{ble} S^r Richard
Everard Barron^t and Cap^t Samuel Patchet do present Edmond Porter of
Chowan precinct Gen^t for that on or about the twenty sixth day of July
last past at Edenton in the precinct aforesayd he the sayd Edmond Por-
ter did menace and assault the sayd S^r Richard Everard Baron^t Govern^r

of this Province and also at the sayd time & place aforesayd an Assault did make on the Hono^{ble} John Lovick Esq: Secretary of this province in a riotous manner

Sign^d

THO^s LUTEN Foreman

Whereupon It is Consider^d and Order^d that a Capias shall issue commanding the the Provost Marshall to take the Body of the sayd Edmond Porter & him safely keep so that he have him at the next Gen^l Court to be held for this Government on the last Tuesday in March next on the third day of the sayd Court then & there to make answer to the aforesayd Presentment.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd and the sayd Thomas Swann in his own proper person also came who being ask^t how he would acquit himself of the crime charg^d in the afores^d Indictm^t Sayd that he is not thereof Guilty and of this he puts himself upon the Country and William Little Attorney Gen^l likewise and by consent of both partys the Tryall of the s^d issue is referr^d till the next Court on the last Tuesday in March next

And now here at this day (Viz^l &c) came the aforesayd Macroro Scarbrough in his own proper person who being asked how he would acquit himself of the Crime wherewith he is charg^d sayd that he is not thereof Guilty and of this he puts himself upon the Country And William Little Esq^r Attorney Gen^l likewise And hereupon by Consent of both partys the Tryall of the sayd issue is referr^d to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) came the aforesayd peter Young in his own proper person and there appearing no person to prosecute or give Evidence against him he was discharg^d by proclamacon and may go thereof without day paying Costs

And now here at this day (viz^l &c) the sayd George Burrington (tho Solemnly required) came not nor made answer to the Bill of Indictment aforesayd ag^t him for Trespass Assault Misdemeanor & breach of the peace contrary to the Act of Assembly in that Case. Wherefore at the Motion of the Attorney Gen^l process is Order^d to be issued thereby to compell him to appear at the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the sayd George Burrington (tho Solemnly required) came not nor made any answer to the Bill of Indictment aforesayd found against him for a Trespass & Misdemeanor Wherefore at the Motion of the Attorney Gen^l process is Order^d to be issued

thereby to compell him to appear at the next Gen^l Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd George Burrington & Cornelius Harnet tho' Solemnly required came not nor made any answer to the Indictment aforesayd against them found. Wherefore at the Motion of the Attorney Gen^l It is Order^d that process be issued ag^t them thereby to compell them to appear at the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' Solemnly required) came not nor made any answer to the Bill of Indictment found ag^t him for Trespass Assault & Misdemeanor in Bath County Wherefore at the Motion of the Attorney Gen^l process is Order^d to be issued against him thereby to compell him to appear at the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd James Castellaw & John Nairne (tho' Solemnly required) came not nor made answer to the Indictment aforesayd Therefore on the Motion of the Attorney Gen^l The Capias granted at the last Court is continued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd Watkin price by Thomas Swann his Attorney appear^d and sayth that he is not Guilty of the Crime charg^d against him in the Indictment aforesayd & of this he putts himself upon the Country and William Little Attorney Gen^l likewise And by consent the Tryall of the sayd issue is refer^d to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd Massey Musick who was continued on her Recognizance is dismist and may go thereof without day paying Costs.

And now here at this day (Viz^l &c) the afores^d James Kelly who was bound by Recognizance now to appear in his own proper person came & is dismist thereof without day paying Costs.

And now here at this day (Viz^l &c) the afores^d George Allen in his own proper person came and was discharg^d by proclama^on.

William Lewis Sen^r and Adam Joy who were both bound to appear at this Court to give Evidence on behalf of our Sovereign Lord the King accordingly came and prayed their Appearance might be entred which was granted.

Walter Lane bound to appear at this Court in his own proper person came & prayed his Appearance might be entred which was granted and he is thereof dismist and may go thereof without day paying Costs.

Samuel Sinclair bound to appear at this Court by Recognizance accordingly came and was discharg^d by proclama^on and may go thereof without day paying Costs

And now here at this day (Viz^l &c) the aforesayd Richard Washington again came & on the Motion of the Attorney Gen^l the sayd Recognizance is continued till the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd John Martin by Thomas Swann his Attorney appear^d and for plea Sayth that he is not Guilty and of this he putts himself on the Country and William Little Attorney Gen^l Likewise and by Consent of both partys the Tryall of the sayd issue is referr^d to the next Court on the last Tuesday in March next

And now here at this day (Viz^l &c) the aforesayd William Ross (tho' Solemnly required) came not Wherefore at the Motion of the Attorney Gen^l a Capias is Order^d to be issued thereby to compell him to appear at the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the aforesayd Informa^on of the sayd John Blacknall was read in these Words Viz^l

NORTH CAROLINA—SS.

The Information of y^e Reverend Mr John Blacknall of Edenton in Chowan p^{re}cinct Clerk taken before Christopher Gale Esq: Cheif Justice of the sayd province this Second day of March one thousand seven hundred & twenty five who sayth that upon the Sayd Second day of March he the sayd John Blacknall did joyn together in the holy estate of Matrimony according to the form of the Church of England in Edenton in Chowan p^{re}cinct aforesayd Thomas Spencer a White man and a Molatto Woman named Martha paul both of Curratuck p^{re}cinct contrary to the direction of an Act of Assembly in that case made & provided whereby he the sayd John Blacknall hath incurr^d a penalty of fifty pounds the One half to the Informer which he therefore demands the other to be lodged in the hands of the Governo^r (or Co^mander in Cheif for the time being) to be apply^d according to the directions of the sayd Act

Sign^d

JOⁿ BLACKNALL

Subsign^d Jurat coramme die & Anno Supradict

C. GALE C. J.

1727.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton 3^d day of April Anno Dom 1727

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{ William Reed	Rich ^d Sanderson	{ Esq ^{rs} Members of the Council
{ C Gale	John Palin	
{ J Lovick	Edm ^d Gale	
{ E Moseley	Jn ^o Worley	

The Honoble Richard Fitzwilliams Survey^r General of the Customs of the Southern district of North Carolina being now in this Government in the Execution of his Office and having Instructions from the Crown to set in Council in each and every of his Majesties Governments that his business as Survey^r General shall call him into which having been considered of by this Board they are unanimously of the Opinion That it is for His Majesties and the Lords Proprietors Service that the said Survey^r General be desired to take his place at this Board as he doth in all other Governments within his District

Whereupon the Survey^r General having immediate Notice thereof came into Council and having took and subscribed the several Oaths by Law appointed for the Qualification of Publick Officers he took his place at the Board next the Governor

Pesent Richard Fitzwilliams Esq^r

Read the Petition of Robert Hicks Shewing that John Ballard late of Chowan precinct deēd took up a Tract of Land in Chowan Precinct containing by Estimation Four hundred acres and did some Labour thereon and afterwards deserting the same since which the said John Ballard is Dead—without ever takeing out any Patent for the same in his Life time Praying that an Order might Issue directing same ffreeholders of the s^d Precinct to value the Labour done on said Land and that a Patent may be granted him for the said Land which being considered of It is Ordered That Mr James Farloe M^r John Jordan and M^r William Hallsey make an appraismt^t of the Labour done by s^d Ballard on said Land and the same be returned upon Oath to this Board at their sitting in August next

Read the Petition of Mr Fran^s Pugh Relating to an Indian slave of his Named March detained and kept from him by King Blount which being Considered of Ordered that the same be recommended to the Assembly

The Honoble the Gov^r Informing this Board that he had lately rec^d a letter from the President of Verginia Informing him that the Tuskarooroe Indians had Lately Killed several of the Sappony Indians Tributaries to that Government demanding Satisfaction from the afores^d Tusk^a and Blount Chief man of the Tuskarooroes being ordered to attend this day The Governor thereupon ordered M^r President Carters Letter should be read in Council to King Blount which having been Interpreted to him by a Sworn Interpreter Blount absolutely denied the charge that either he or any of his People were concerned in the murther of the Sapponees and alleadges it was done by the Northern Indians that had Revolted from him and now lived as Pirates and Robbers and it being demanded what reason he had to beleive those Indians had Committed the Fact answered that there was at present an Indian in his Towne named Yorke who was formerly of the Tuskarooroora nation who in his way to their Towne met some of the Party that had been to warr with the Sapponees who told the said York that the rest of the Party which they had lately seperated from had a Prisoner of the Sapponees with them and that the whole party was commanded by an Indian named Conaughauritzhugh and consisted of Northern Indians and revolted Tuskarooroes and added that he was sure the Northern Indian would not deny the action if they were Examined upon it

Read the Petition of Sarah Peirce shewing that sometime agoe John Peirce obtained a Patent for 200 acres of Land which is not seated as the Law directs Therefore prays a Lapse patent may granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Robert Forster shewing that Mathew Strictland sometime agoe obtained a Patent for 300 acres of Land which is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the s^d Land

Ordered that a Patent Issue as prayed for

Read the Petition of Robert Forster shewing that sometime agoe William Daniel obtained a Patent for 640 acres of Land w^{ch} is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that Patent Issue as prayed for

Read the Petition of John Bonde setting forth that Thomas Whitmel sometime agoe obtained a patent which is not cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Daniel Mack Daniel shewing that John M^cDaniel some time agoe obtained a patent for 640 acres of Land which is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of John Gray shewing that Robert Lanier obtained a patent some time agoe for a Tract of Land lying in Bertie Prect w^{ch} is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Derby Lawless Shewing that Patrick Lawless obtained a patent for 170 acres of Land which is not seated as the Law directs Therefore prays a Lapse Patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Joshua Calloway shewing that some time agoe Thomas Bray obtained a Patent for 640 acres of Land which is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for.

Read the Petition of Thomas Williams shewing that John Jones some time agoe Patented a Tract of Land of 248 acres w^{ch} is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 2^d day of May 1727

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

The Honobles	{	Chris Gale	R Sanderson	}	Members of Council
		J Lovick	T Harvey		
		E Moseley	J Worley		
		F Foster	E Gale		

Ordered That the Reciever General have his Acco^{ts} of their Lordppps Quit Rents Ready to be laid before this Board at their meeting in July next

Ordered that a New Commission of the Peace Issue for Perquimons Prec^t directed to the old members and that their be added Richard Sanderson Jun^r Ezekiel Maudlin John Wyat & Joshua Long and that Mr Charles Denman be left out he being appointed Clk of the Court

Ordered that a New Commission of the Peace Issue for Chowan prect Directed to the old Members and That M^r Aaron Blanchard and W^m Rhodes be added in the s^d Comⁿ

Ordered That a New Commission of the Peace Issue for Beauford and Hyde precincts directed to the Old Members Except Simon Alderson and Joshua Porter and that there be added Benj^a Sanderson Foster Jarvis John Bonde and John Martin

Ordered that a New Commission of the Peace Issue for Bertie precinct directed to the Old Members (James Castellaw excepted) and that there be added Benj^a Hill Edm^d Smithwick Peter West and Arthur Williams

Ordered that a Commission Issue for the General Court directed to the old members (Except W^m Dawning & Simon Alderson) and that there be added Tho^s Luton & Jas Leigh Esq^{rs}

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council Held At the Council Chamber in Edenton the 18th day of July Anno Dom 1727

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{	Chris Gale	Robt West	}	Esq ^{rs} Members of the Council
	J Lovick	Tho ^s Harvey		
	E Moseley	E Gale		
	F Foster	J Worley		

M^r Attorney General Little laid before this Board a Memorial setting forth that John Vidall and others were apprehended and Committed to Goal

for Robberies & Felonies done and Committed lately at or near Ococock in Bath County and one of Articles of his Instructions to him requires him in all cases of difficulty to be directed by the Gov^r & Council and their arising some difficulties concerning the Prosecution of the said Criminals prays the directions of this Board thereon and particularly wth the s^d Fact (the s^d Examinations & Depositions whereof are herewith delivered) must be prosecuted as Pyrac^y or may be Indicted and prosecuted as felony and Robbery at Co^mon Law *Infra Corpus Comitatus* and if the former in what manner it may be done and if it could be prosecuted here that so he may be directed in his Duty therein &c

Which being Read several debates arose about the Tryall of the Prisoners whither they should be Tryed at Co^mon Law as Felons or sent into Verga to be Tryed as Pyrates this Government having no authority for Tryall of Pyrates and upon the whole It is the Opinion of this Board that the Honoble the Governor be desired to write to the Governm^t of Verginia the particulars of of Prisoners Cases and with all to let them know we shall proceed on the Tryall of the Prisoners for felony unless that Governm^t think it most proper to try them as Pyrates and to desires their speedy answer our Court being nigh at hand

By order

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At A Council held in the Council Chamber in Edenton the Thirty first day of July Anno Dom 1727

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{ William Reed	R Sanderson	{ Esq ^{rs} Members of the Council
{ Chris Gale	Tho Harvey	
{ J. Lovick	Edm ^d Gale	
{ E Moseley	John Worley	

Read the Petition of M^{rs} Elizabeth Hatch Praying She may be allowed her Thirds of her late husbands Personal Estate she not being Contented with the Will

Ordered that the matter of the Petition be referred to y^e consideration of the next Council.

Upon a Caveat being Entered by John Bonde adm^r &c of Tho^s Boyd Esq^r decd

Adjourned till to morrow

August the first met again Present as before

The Honoble the Governor having desired M^r Moseley a Member of this Board to Explain some words Spoke in heat yesterday at the Council Board thereupon M^r Moseley assured the Governor that the said Words were only the Effects of heat in argument and that he had no Seditious Intentions by his said Speeches and that he Explained the same at the time when he spoke

And the Council was of Opinion that M^r Moseley did Explain himself so at the time

M^r Robert Hicks Informing this Board that one of the apprais^r ordered by this Board to value the Land he formerly Petitioned for is Dead and that Our Law requires four Apprais^r in such cases praying two appraisers more may be added to the former order which is allowed of And it is hereby Ordered that John Jordon Sen^r and John Parker be and they are hereby appointed apprais^{rs} to Joyn with the other Two in the former Order and that they make Return of the same to the Council in October next

Order that M^r John Ismay be added in the Comission of the Peace for Chowan Precinct

Read the Petition of Thomas Bagley Shewing That Francis Thornton some time agoe obtained a Patent for 640 acres of Land W^{ch} is not Cultivated as the Law directs therefore prays a Lapse patent may be Granted him for the same

Ordered That a Patent Issue as prayed for

Read the Petition of Thomas Jessop shewing that John Symonds in the year 1716 obtained a patent for 185 acres w^{ch} is not seated as the Law directs therefore prays a Lapse Patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition shewing that Caleb Bundy in the year 1714 obtained a Patent for 185 acres of Land which is not Seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered That a Lapse patent Issue as prayed for

Read the Petition of James Manning shewing that in the year 1723 Joseph Ballard obtained a Patent for 300 acres of Land lying in Bertie w^{ch} is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered That a Patent Issue as prayed for

Read the Petition of John Peeny shewing that John Burroughs sometime agoe obtained a Patent for an Island lying on the East side of the

Narrows of Curratuck which is not seated as the Law directs therefore prays a Lapse patent may be Granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Jonathan Jarvis shewing that Richard Jarvis sometime agoe obtained a Patent for 106 acres Land which is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Joseph Palmer shewing that Robert Palmer sometime agoe obtained a patent for 170 acres of Land w^{ch} is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Co^{ll} John Worley shewing that sometime agoe John Pettifer took up and Patented a Tract of Land lying in Seuppernung which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Co^{ll} William Reed shewing that W^m Reed Jun^r sometime agoe obtained a patent for 290 acres of Land lying in the fork of Pasquotank River wh^{ch} is not Cultivated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 8th day of Nov^r 1727

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{	John Lovick	Tho ^s Pollock	} Esq ^{rs} Members of the Council
	E Moseley	Tho ^s Harvey	
	R Sanderson	Edm ^d Gale.	
	John Worley		

The Honoble the Governor having laid before this Board a Letter from his Majesties Lieut^t Governor of Verginia with a Copy of his Majestie's Order in Council relating to the Boundaries between both Government

which being read is ordered to be entered in the Council Journal which is as follows viz^t.

At the Court at S^t James's the 28th day of March 1727

Present

The Kings Most Excellent Majesty

L ^d Arch B ^p of Canterbury	Duke of Ancaster
L ^d Chancellor	Earle of Berkeley
L ^d Arch B ^p of York	Earle of Southerland
L ^d Privy Seal	Earle of Findlater
L ^d Chamberlain	Earle of Lowdon
Duke of Argyle	Earle of Marchmont
Duke of Bolton	Earle of Stair
Duke of Montrose	L ^d Vis ^{ct} Townsend
Duke of Kent	L ^d Vis ^{ct} Landsdale
Duke of New Castle	L ^d Vis ^{ct} Cobham

L^d Vis^{ct} Falmouth

L^d Vis^{ct} Harcourt

L^d B^{pp} of London

L^d Carteret

M^r Treasurer

L^d Finch Comp^r

L^d Chief Justice Raymon

M^r Vice Chamberlayne

Lieut^t General of the Ordinance

Whereas it hath been Represented to his Majesty at this Board that for Adjusting the disputes which have Subsisted for many years past between the Colonys of Virginia and North Carolina concerning their true boundaries the late Governors of the said Colonys did some time since agree upon certian proposalls for Regulating the said Boundaries for the future to which proposals the Lords prop^{rs} of Carolina have Given their assent

And whereas the said Proposals were this Day presented to His Majesty as proper for his Royall approbation His Majesty is thereupon pleased with the advice of his Privy Council to approve of the said proposals (a Copy whereof is hereunto annexed) And to order as it is hereby ordered That the Governor or Commander in Chief of the Colony of Virginia do settle the said Boundaries in Conjunction with the Governor of North Carolina agreeable to the said Proposals

EDWARD SOUTHWELL

A true copy WILL ROBERTSON Cler Cor

Proposals for Determining the Controversy relating to the bounds between the Governments of Virginia and North Carolina most humbly Offered for His Majesties Royall Approbation and for the Consent of the R^t Hon^{ble} the Lords Proprietors of Carolina

Forasmuch as the disputes between the s^d Two Governments about their true Limits continue still notwithstanding the several meetings of the Commissioners And all the proceedings of many years past in order to adjust that affair and seeing no Speedy Determinaⁿ like to Ensur unless some medium be found out in which both parties may Incline to acquiesce Wherefore both the underwritten Govern^{rs} having met and considered the prejudice done both to the Kings and the Lords Proprietors Interests by the Continuance of this Contest and truly endeavouring at a Dessission which they Judge comes nearest to the Intentions of the Royall Charter Granted to the Lords Proprietors Do with the advice and Consent of their Respective Councils propose as followeth

That from the mouth of Curratuck river or Inlett and setting the Compass on the North shore thereof a due West Line be run and fairly marked and if it happen to cut Chowan River between the mouths of Nottoway River and Wiccons Creek then shall the same Course be continued towards the mountains and be ever deemed the dividing Line between Virginia & Carolina

That if the said west Line Cuts Chowan River to the southward of Wiccons Creek then from that point of Intersections the bounds shall be allowed to continue up the middle of said Chowan River to the middle of the Entrance of into the s^d Wiccons Creek and from thence a due west Line shall divide the said Two Governments

That if the said west Line Cutts Black water River Then from that point of Intersection the bounds shall be allowed to continue down the Middle of the said Black water River to the middle of the Entrance unto the said Nottoway River and from thence a Due West Line shall divide the said Two Governments.

That if a due west line shall be found to pass thro Islands or to cutt out small slips of Land which might much more Conveniently be included in the one Province or the other by Natural Bounds in such case the persons appointed for running the Line shall have power to settle natural bounds provided the Commiss^{rs} of both sides agree thereto and that all such variations from the West Line be punctually noted in the Maps on platts which they shall return to be putt upon the Records of both Governments

All which is humbly submitted by

Signed

CHARLES EDEN

A SPOTSWOOD

Cpy

Read the petition of Robert Foster shewing that William Drew in the year 1723 obtained a patent for 640 acres which is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of John Mann shewing that John Lovick Esq^r in the year 1723 obtained a patent for 225 acres of Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Cap^t William Downing shewing that Cornelius Harnet sometime ago Obtained a Patent for a Tract of Land lying back of Cabin neck which is not seated &c Therefore prays a Lapse patent may be granted him for y^e same

Ordered that a Patent Issue as prayed for

Read the Petition of Coll Edward Moseley shewing that Coll Fred Jones obtained a patent for 640 acres of Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered That a patent Issue as prayed for

Read the Petition of Cap^t William Downing shewing that Coll Edward Moseley sometime agoe obtained a patent for 640 acres of Land w^{ch} is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Stephen Lee shewing that sometime agoe Cap^t Will Downing obtained a patent for 640 acres of Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as Prayed for

Read the Petition of Coll Edward Moseley shewing that Coll Jones sometime agoe obtained a patent for 580 acres of Land which is not seated & Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of William Downing shewing that Coll Moseley sometime agoe obtained a patent for a Tract of Land of 500 acres which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Stephen Lee Shewing that Cap^t Downing sometime agoe took up and patented a Tract of Land of 450 acres which is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Francis Tomes shewing that John Pettifer sometime agoe took up and Patented a 400 acres of Land lying in Perquimons called Gulleridges Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Arthur Davis shewing, that Lewis Davis somes time agoe patented 400 Acres of Land w^{ch} is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Lapse patent Issue as prayed for

Read the Petition of Robert West Esq^r and W^m West shewing that Thomas Smith some time agoe obtained a patent for 640 acres of Land w^{ch} is not seated as the Law directs therefore prays a Lapse patent may be granted them for the same

By order

[HENING'S VA. STATUTES AT LARGE. VOL. 4. P. 175.]

AN ACT FOR THE MORE EFFECTUAL PREVENTING
THE BRINGING TOBACCO FROM NORTH CARO-
LINA, AND THE BOUNDS IN
CONTROVERSY.

I. Whereas, the act of the general Assembly now in force, doth not effectually prevent the bringing in tobacco from North Carolina: And Whereas, since the making of said act, great numbers of people have, contrary to the repeated orders of this government, seated themselves on the lands between Wiccons Creek and the line run from the mouth of Nottoway River, to describe the boundaries in controversy between this colony and the said province; and are there encouraged and protected, under pretence of being under the government of North Carolina, contrary to the agreement with that government that the said tract should remain unseated until the bounds should be determined: Which persons so seated, as aforesaid, as well as those inhabiting within the province of North Carolina, being under no regulation in the manner of making and packing their tobacco, do notwithstanding make and transport into this colony, for traffic and sale, great quantities of tobacco, deceitfully packed, and unfit for exportation, and yet pass the same as tobacco of the growth and manufacture of Virginia, to the great deceit of honest traders, and the depreciating the staple commodity of this country: For remedy whereof,

II. Be it enacted, by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That whosoever shall bring into this colony, any hogshhead, barrel, or other parcel of tobacco from North Carolina, or from any place within that tract, commonly know by the name of the controverted bounds, by land or water; or whoever shall sell, buy, or receive, any such tobacco, knowing the same to be brought from thence, shall, for every such hogshhead, barrel, or other parcel, so brought in, sold, bought, or received, forfeit and pay the sum of ten pounds current money of Virginia: To be recovered with costs of suit in any court of record within this colony and dominion, by bill, plaint, or information: The one half of which penalty shall be to our sovereign lord the King, his heirs and successors, for and towards the support of this government, and the contingent charges thereof; and the other half to the informer.

III. And be it further enacted by the authority aforesaid, That when, contrary to this act, or any other act of assembly, any tobacco shall be brought or imported into this colony, it shall be lawful for the sheriff, or the constable of such county where such tobacco shall be, to seize the same: And after such seizure, upon information thereof made to the court of the county, by the officer making the seizure, the said court is hereby empowered and required to order such tobacco to be sold publicly; and the one half of the money accruing on such sale, after all charges deducted, shall be to our sovereign lord the King, for the uses aforesaid, and the other half to the officer making seizure.

[B. P. R. O. PROPRIETIES. B. T. VOL. 12. No. 84. R.]

LETTER FROM M^r FITZWILLIAM SURVEYOR GEN^l OF
THE CUSTOMS, DATED DECEM^r 26th 1727 RELATING TO
AN ACT PASSED AT PENNSYLVANIA FOR ESTAB-
LISHING COURTS OF JUDICATURE, AND ANOTHER
PASSED IN VIRGINIA TO PREVENT BRINGING TO-
BACCO FROM CAROLINA INTO THAT COLONY.

VIRGINIA December 26th 1727

My Lords,

* * * * *

In the Assembly held in Virginia in May 1726 A Bill was prepared by the House of Burgesses and sent up to the Council Entituled. An

Act for the more effectual preventing the bringing Tobacco from North Carolina, and the bounds in Controversy, whereby all tobacco imported by land or water from that Province, is declared to be forfeited, and a penalty also laid upon the Importers. Upon the reading of this Bill I excepted against it, and at its passing, thought it my Duty as a Member of the Council to enter my Dissent, and to offer my reasons, which your Lordships will find in the Journal of that Assembly the 24th of May; to which I have this further to add; that the restraining the people of North Carolina from selling or shipping off their Tobacco in Virginia, when they have neither shipping of their own, nor Ports to receive them must of consequence force them upon Manufactures of Cloathing for themselves since they are thus prevented of all Supplies by the produce of their Labour: and thus by a Partial Restraint of Trade from one part of his Majesty's Dominions to another, his Majesty's Customs are lessened, the consumption of British manufactures diminished, and instead thereof a Country which begins to grow Numerous laid under the necessity of falling into manufactures of their own: for it is impossible to imagine that a number of people should continue long under the want of necessary Cloathing, without exerting their Industry, especially when the Country they inhabite is capable of furnishing them with materials. This I humbly offer to your Lordships consideration as my Sentim^{ts} of the two Acts above mentioned; hoping I shall not offend yo^r Lordships by taking upon me to trouble you with what particularly concerns that part of the Trade and Navigation of Great Britain, which is put under my inspection within the Southern Provinces of this Continent: And tho my Office obliges me more particularly to correspond with the Commissioners of his Majestys Customs, yet I know none more proper than your Lordships Board, to whom I can apply for checking the irregular proceedings of these Plantation Assemblys when they take upon them to Enact Laws in Contradiction to these, which the Wisdom of Parliament has thought necessary they should be governed by.

If your Lordships think fitt to allow me the liberty of laying before you from time to time, whatever of the like kind comes to my knowledge in the course of my Survey I shall be proud to Receive your Lordships Commands but if not, you will have the Goodness to pardon this trouble, which I have not presumed to offer but with a just regard to the Duty of my Office, and that particular Respect with which I am

My Lords

Your Lordships

Most obedient, and most humble Servant

R FITZWILLIAM.

[FROM RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer and Gen^l Goale Delivery held for the Sayd province at the Courthouse in Edenton begun on Tuesday the twenty eight day of March one thousand Seven hundred and twenty seven and Continued by adjournments to the fifth day of April following

Present

Christopher Gale Esq: Cheif Justice

Barnaby Mackinney	} Esq ^{rs} Assistants
John Alston	
Thomas Lovick	
Henry Bonner	

And Severall Members of the Council as Justices of the peace to hold the Gen^l Sessions of this Government

The following persons were impannell^d and Sworne of the Gand Jury Viz^l

Cap ^t John Speir	Mr David Bailey	Mr John Harloe
Tho ^s Luton Jun ^r Esq	Mr David Hicks	Cap ^t Aaron Blanchard
Cap ^t Jo ⁿ pettiver	Mr John Cotton	Cap ^t Enoch Ward
Cap ^t Sam ^l patchett	Mr Thomas Ashley	Cap ^t Benjamin Hill
Mr James Wood	Mr Joseph Stoakley	Mr Edmond Smithwick
Mr John Earley	Mr Henderson Luton	Mr ffrancis Pugh
Mr Francis Branch	Mr John Relf	Mr William Willson
Mr Thomas Garrett	Mr Jonathan Jones	

who being charg^d with things proper for their enquiry withdrew and consider^d the Severall matters given them in charge and on their returne made Presentment of the following Bills Viz^l

A Bill of Indictm^t ag^t Edmond Porter for high Misdemeano^r on the Act for preserving the Queen^s peace

A Bill of Indictm^t ag^t Edmond Porter for Libelling the Cheif Justice

A Bill of Indictm^t against W^m Cooke for a Misdemeano^r

A Bill of Indictm^t ag^t Thomas Blount for breach of the peace

A Bill of Indictm^t ag^t John Miles for Felony

A Bill of Indictm^t ag^t William Arkill for breach of the peace

A Bill of Indictm^t against Thomas Andrews for perjury

A Bill of Inditem^t against William Williford for breach of the peace

And presented John Worley Esq: and Joshua Worley his Son for an Assault made by them on the body of Cap^t Thomas Bell.

And then the sayd Grand Jury was discharg^d from further Attendance.

Edmond Porter of Chowan Precinct Gen^t came into Court and prayed that his appearance might be entred which was granted And the Attorney Gen^t consented that a nolle prosequi may be entred on the presentment of the Grand Jury The last Court Therefore It is Consider^d that the sayd Edmond be thereof discharg^d and may go without day paying Costs

William Little Esq Attorney Gen^t comes to prosecute the Bill of Indictment found by the Grand Jury against Edmond Porter for high Misdemeanorⁿ on the act for preserving the Queens Peace in these Words Viz^t

NORTH CAROLINA—SS.

To Christopher Gale Esq : Cheif Justice & the rest of the Justices of the Gen^t Court begun & held at Edenton the last Tuesday in March one thousand seven hundred and twenty seven.

The Jurors for our Sovereign Lord the King on their Oath do present Edmond Porter of Chowan precinct Gen^t for that the sayd Edward not having the fear of God before his Eyes but instigated & moved by the Devill and his own wicked heart and Seditious Spirit to sow dissension strife & discord among the people of this Province and to revile and bring into contempt the Hono^{ble} the Governo^r that now is and others the principall Officers & Ministers in the Administrat^{on} of the Government in order to disaffect the people of the sayd province of North Carolina to the present Governm^t within the sayd province and the Authority of the Same thereby to raise faction and Seditious mutiny & Rebellion did utter & give out divers Seditious Speeches & menacing behaviour did use and Sundry Libells & gross & Scandalous aspersions did make utter & cast upon & towards the Hono^{ble} the Governo^r that now is and divers others Members of the Council and others in high Authority in this Governm^t particularly that first he the sayd Edmond Viz^t in Edenton in Chowan precinct on or about the twenty sixth day of July last he the sayd Edmond an Assault did make on John Lovick Esq^r Secretary of this province and Member of Council & in the presence of the Hono^{ble} S^r Rich^d Everard Baron^t Govern^r an Affray did begin in presence of the Governo^r as aforesayd in contempt of Authority and in great & imminent danger of raising a Mutiny thereby and soon after the affray was by the Authority of the Govern^r and Severall Officers of the Government interposing appeas^d the Sayd Edmond in a most insolent manner then

& there insulted the sayd Sr Richard Governo^r and with his hatt on with a menacing countenance and threatning behaviour to the sayd Governo^r Skaking his head & doubling his Fist & shaking it at the Sayd Governo^r did say to him you (the sayd Sr Rich^d Governo^r meaning) are a worthless fellow You (the sayd Sr Rich^d Governo^r meaning) are a fine man to be Governo^r (meaning ironically he was no ways fitt to be Governo^r) You (inuendo the sayd Sr Rich^d) draw your Sword on me & I will swear it, altho' the sd: Sr Richard did not draw his Sword but comanded the peace to Suppress the afray & to prevent Mutiny and bloodshedd and soon after at the same time & place he the Sayd porter in the midst of a Crowd of people & in their hearing did publickly Say damn them (the Sayd Governo^r and Officers meaning) I will go raise fifty men directly (meaning in a rebellious & Seditious manner) against the Government & the authority thereof And again soon after then & there in the hearing of a great multitude did Say he the sayd Edmond w^d bring thirty armed Friends upon the town if the Cheif Justice would not hear his Complaint meaning & threatning thereby to raise force ag^t the Governm^t in great contempt of Authority & in danger of raising mutiny & rebellion within the sayd province Secondly and also that the Sayd Edmond with the Same wicked intent & Seditious mind Viz^t in Carolina aforesayd on or about the fifteenth day of August one thousand Seven hundred & twenty six in the presence & hearing of divers of his Majestys leige Subjects did utter divers contemptuous & Seditious false Speeches & opprobrious aspersions against the Honoble the Governo^r that now is & divers Members of the Councill & others particularly that he that now is Governo^r (meaning the Hon^{ble} Sr Rich^d Everard then & still Governo^r) is a man of no Substance or reputation and that as for the president (Coll^o William Reed meaning) a member of the Council & formerly president of this province if he was guilty of what was layd to his charge as he (the Sayd porter meaning) verily believ^d he was worthy of death and that the Secretary (John Lovick Esq: Member of Council meaning) he had run thro' and endeavour^d to kill and would have killed if he had not been prevented and that a great Villian had been pick^t for the foreman of the Grand Jury and what he Sayd the rest of the Grand Jury yeilded to and to mend the matter they (meaning the Governo^r and Council) had made him a Member of Council (meaning and defaming thereby John Worley Esq a Member of Council who was Foreman of the Grand Jury at the Gen^l Court in March in one thousand seven hundred & twenty six) & also did further contemptuously speak of M^r Thomas Speight and Major Henry Bonner both assistant Justices of

the Gen^l Court & Members of the lower house of Assembly at the last Sessions insinuating & declaring that they were not fitt to be chosen nor should be chosen Burgesses at another Election because they had taken a Comission Under the Governo^r Thirdly and also that the sayd Edmond with the same wicked heart & evill & Seditious intents Viz^t in Carolina aforesayd on or about the fourth day of January one thousand seven hundred and twenty six Writt published & by way of Libell in a Letter to Christopher Gale Esq Cheif Justice did publish & utter Severall contemptuous and Scandalous Speeches & insinuation against the Honoble S^r Richard Everard Barron^t Governo^r of this province concerning a Negro who claiming his freedom had apply^d himself to the Governo^r who Ordered the Cheif Justice to cause a fair Tryall to be had at the next Court & the Negro to be kept safe till the Court concerning which the Sayd Edmond in the sayd Libell or Letter doth say by the Same Rule he (inuendo the Governo^r) has done that he may take my Bed my horse or my Oxe and again (if by being Governo^r he thinks himself invested with an absolute power of Acting as he thinks fitt it will be convenient in due time to convince him the contrary and make him Sensible that English born Subjects will never tamely give up their undoubted right while so inestimable a Book as Magna Charta is) thereby insinuating & Suggesting that the sayd S^r Richard Governo^r thought himself invested with an absolute power & acted in an Arbitrary manner against Magna Charta and invading the rights and libertys of the Subjects which is a most high heinous and Scandalous & false Aspersion & in great Contempt of the Sayd Governo^r And also the sayd Edmond on the Sayd Libell did urge the Sayd Cheif Justice to advise the Sayd S^r Richard the Governo^r to a better conduct & his inclinacions are rapid & Strong thereby most Scandalously insinuating the Sayd Governo^rs conduct in his Administracon of the Government to be ill and his inclinations rapacious violent arbitrary and unjust by all which contemptuous Speeches and Libell the sayd Governo^r might be brought into disrepute and render^d Odious and Contemptible & weakend & obstructed thereby in the execution & administracon of the Government for all which manifest false Scandalous & Seditious Speeches behaviour & libelling against the Hon^{ble} S^r Richard Everard Governo^r of this Province & others Members of the Council and Ministers of Justice done utter^d and perpetrated by the sayd Edmond Porter at the times & places aforesayd & in the manner aforesayd with intent to move Sedition & mutiny against the Government and to obstruct the officers & overthrow the authority thereof & to involve this Country in Faction Sedition Bloodshed & Rebellion Wee the Sayd Jurors on our Sayd Oath do present the

sayd Edmond Porter to be Guilty at the places & times and in manner as aforesayd of an high & heinous Misdemeanor in utter contempt of the authority of this Governmt agt the peace of our Lord the King that now is his Crown & dignity & against the Act of Assembly in such case made & provided

Ordered that the Marshall do take into his Custody the body of the Sayd Edmond Porter So that he have him before the Cheif Justice & the rest of the Justices at the next Genl Court to be held at Edenton on the last Tuesday in July next on third day of the Court then & there to make answer to the aforesayd Indictment

William Little Esq: Attorney Genl comes to prosecute the Bill of Indictment found by the Grand Jury against Edmond Porter for Libelling the Cheif Justice in these Words Viz^l

NORTH CAROLINA—SS.

To the Hon^{ble} the Cheif Justice & the Assistant Justices of the Genl Court begun & holden at Edenton on the last Tuesday in March one thousand Seven hundred & twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present that Edmond Porter of Chowan preeinct Genl not having the fear of God before his Eyes nor the good and quiet of this Governmt regarding but desirous to move and begett Sedition and Strife and dissention and to weaken & render contemptible the present Administracon & more particularly most falsely & maliciously to asperse defame Slander & bring into contempt Christopher Gale Esqr Cheif Justice of this Province and Member of the Council and him in the Administracon of Justice & the executing his duty in the qualitys aforesayd to obstruct & injure & render odious & contemptible did viz^l in Chowan p'inct on or about the fifth day of November one thousand Seven hundred & twenty Six Suborne procure & prevail with one John Derriecott late Master of the Sloop Burrington belonging to the Sayd Edmond and one Tunis Vangelder to come before Edward Moseley Esqr one of his Majesty's Justices & publish utter & by way of Libell & defamation publish under his the Said Derriecotts hand and on his corporall Oath before the Sayd Edward Moseley Justice at the instance of the Sayd Edmond taken falsely in Chowan aforesayd declare these false Scandalous & malicious Words (he inuendo the Sayd Christopher Gale) did insult him (the Sayd Derriecott meaning) and called him Pyrate & threatned to imprison him only as he (inuendo the Sayd Derriecott conceiv^d) for doing his duty in opposing the Sayd Gale^a Illegall Officer (meaning

thereby) one Edward Howcott Deputy Marshall lawfully appoynted & duly qualifed whom the Sayd Derricott had opposed & threatened to shoot in the Execution of his the Sayd Howcots Office for Serving an Attachment on the Estate of Tunis Vangelder in the usual manner granted & deliver^d him to Serve Secondly and further that the sayd Edmond with the same wicked intent as aforesayd at the same place & day and year aforesayd before the same Edward Moseley Esq^r Justice did falsely & malitiously say utter write and under his hand Signe and by way of Libell publish and falsely and contemptuously to authority make Oath to Severall things concerning an Attachment in due form & usual manner granted by the Order of the Gen^l Court at the Suite of Coll^o John Worley against the estate of Tunis Vangelder Serv^d and return^d by Edw^d Howcott Deputy Marshall more particular for that he the sayd Edmond in his Sayd Deposition did falsely and malitiously assert insinuate & by way of Libell and contempt of the Sayd cheif Justice and the rest of the Justices of the Sayd Court publish Suggest and declare as aforesaid that he (meaning the Sayd Edmond) knows the Sayd proceedings (the sayd Attachment & proceedings meaning) to be Arbitrary & illegall & also the Sayd precept (the aforesayd Attachment meaning) not to be a regular precept nor serv^d by a proper Officer And further with like wicked intent to defame the Sayd Christopher Gale Cheif Justice & him render as Arbitrary in the execution of his Office & obstructing Trade to compell money to be paid illegally & arbitrarily at the same time & place in the Deposition aforesayd the sayd Edmond did falsely insinuate Suggest and by way of Libell say & utter and falsely make Oath that on the ninth day of October last he the Sayd Edmond was inform^d by the Sayd Master Viz^t John Derricott of the proceedings of the Sayd Edward Howcott the day before on board the Sayd Vessel and how the Sayd Master had opposed him upon which this Deponent (the Sayd Edward meaning) inform^d Vangelder of the Same & had directions rather than the Sloop should be detain^d to discharge the same (meaning the Debt for which the Attachment was) accordingly this Deponent (the Sayd Edmond meaning) went to Edenton & finding what was done about the same they (innendo the Sayd Cheif Justice & they in Authority) intended to Stop the Sloop which having on board a Cargo of Horses Lumber & live Stock &c did on the twenty sixth day of October last answer the Sayd Debt whereas in truth the Sayd Vangelder long before the Sayd time of Serving the Attachment Viz^t when he sold the Sayd Edmond a part of the Sayd Sloop did give the Sayd Edmond Orders out of what he ow^d Vangelder for the part of the Sayd Sloop to

pay the aforesayd Debt justly due to Coll^o John Worley and Stop the Attachment from coming out which the Sayd Edmond promised to do; And the Sayd. Vangelder verily thought had been done altho' in truth & reality notwithstanding what the sayd Edmond in his Deposition hath Sworne and Suggested the Sayd money is not yet payed either to the Sayd Worley or the Sayd Howeott neither in truth had the sayd Vessel on board when the Sayd Attachment was Serv^d any Horses or live Stock neither had she at her clearing out which was on the first of November following Thirdly And further Wee present that the Sayd Edmond porter with the same evil mind & wicked intent to defame & injure the Sayd Christopher Gale Cheif Justice & him in the execution of his Office to render odious and particularly concerning a power of Attorney from One John Derricott to Thomas Andrews prov^d before the Sayd Cheif Justice by the Oath of one John Hodges & by the Sayd Cheif Justice on the back of the Sayd power of Attorney certified to so prov^d in order to render the Sayd Certificate of the Sayd Cheif Justices false and forged & the Cheif Justice thereby odious and Scandalous he the Sayd Thomas Andrews Viz^t in Chowan precinct on or about the twenty fourth day of January one thousand Seven hundred and twenty Six before the Same Edward Moseley Esq: Justice of the peace at the procurement instance & Subornation of the sayd Edmond did falsely swear & on Oath declare publicly that notwithstanding what is Sett forth on the back of the power of Attorney (the aforesayd power of Attorney meaning) yet the Sayd John Hodges was not Sworne, & also insinuated in the Same Oath falsely that the Sayd John Hodges was only examin^d thereon and declared to the Sayd Cheif Justice that he had not seen the Sayd Derricott execute the Sayd power of Attorney And further in prosecution of the Same wicked intent of Subornation at the same time and place and before the same Justice did practice upon and endeavor to persuade Suborne and prevaile with the Sayd John Hodges to make Oath falsely in like manner the Same the Sayd Andrews did Swear & to compell and induce the Sayd Hodges thereto privately offer^d if the Sayd Hodges would make Oath he had not been Sworne before the Cheif Justice he the Sayd Edmond would Spend an hundred pounds rather the he should be hurt by so doing but the s^d Hodges refusing the Sayd Edmond to terrify the Sayd Hodges moved to the Sayd Edw^d Moseley Justice to have the Sayd Hodges comitted to prison for refusing to take Such Oath but the Sayd Edward Moseley Esq^r refused to comitt the Sayd Hodges and he the Sayd Hodges declared that he had been Sworne before the Sayd Cheif Justice as was certified

on the back of the Sayd power of Attorney and it was true and he would not Swear backwards & forwards and so utterly refused for all which false swearing libelling and defaming the Sayd Cheif Justice & others in Authority and Suborning and practising on and Endeavoring to Suborn others falsely to Swear against the Sayd Christopher Gale Esq^r Cheif Justice thereby to render him odious & contemptible and weaken the Administracon of Justice whereby Mutiny Sedition vice aspersions immorality might prevaile Wee the Sayd Jurors on our Sayd Oath do present the Sayd Edmond porter to be Guilty as aforesayd of high Offences and great Misdemeanors in disturbance of the quiet & tranquillity of this Governm^t & in great Contempt of the Laws & Authority thereof against the peace of Our Sovereign Lord the King that now is his Crown & dignity &c.

Order^d that the Marshall do take into his Custody the body of the Sayd Edmond porter So that he have him before the Cheif Justice & the rest of the Justices of the Gen^l Court at the next Court to be held at Edenton the last Tuesday in July next on the third day of the Sayd Court to make answer to the aforesayd Indictment

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against William Cooke for a Misdemeanor in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice & the rest of the Justices of the Gen^l Court begun and held at Edenton the last Tuesday in March one thousand Seven hundred & twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present William Cooke of Edenton in the province of North Carolina aforesayd Oysterman (alias diet: Cap^t William Cooke Owner & Master of a Small deckt Vessel for that he the Said William on the sixth day of March Viz^l in the precinct of Chowan before William Downing Esq: one of the Assistants Judges or Members of the Gen^l Court of this province with a malicious intent to asperse & defame Christopher Gale Esq Cheif Justice of this province in his publick capacity of Cheif Justice did upon his Oath falsely maliciously willingly and corruptly depose swear and in writing affirm that some time in August last past as by the Deposition in these words Viz^l

NORTH CAROLINA—SS.

The Deposition of of Cap^t William Cooke of full age maketh Oath on the holy Evangelists that on or about the Month of August last past

being Owner & Master of a Small deck^t Vessel in which he used the Coasting Trade of this province and that about the time aforesayd there came on board the Sayd Vessell M^r Rob^t Route provost Marshall and Joseph Young his Deputy who brought an Attachment from Christopher Gale Esq; Cheif Justice of this Province to attach the Sayd Vessell for a Debt of twenty pounds due to one James Peeke which Debt & charges after the Marshall had kept the Sayd Vessell about ten days & unbent her sayles he was obliged to pay before he could gett his Vessell agen which proceedings this Depon^t says he apprehends was very illegall & that no precept could be Serv^d in that manner by any Authority but that of the Admiralty and further this Depon^t Sayth not Subscrib^d March the Sixth one thousand seven hundred and twenty six Seven Sworne before me & Sign^d William Downing certifyed a true Copy by the sayd William Dowling and now here produced Whereas in truth it doth appear that the sayd Attachm^t mention^d in the Sayd Deposition was not an Attachm^t to Attach the Sayd Vessell but a Judicial Writ of a Right to attach the goods and Chattells of the Sayd William Cooke and is not to be den^d by the Officer Granting the Same. And further that the said William was not oblig^d to pay the sayd Debt of twenty pounds before he could gett possession of his Vessell again as in the Deposition is Sett forth for that he might have had possession thereof upon giving security to appear at the next Gen^l Court following after the Executing the Sayd Attachm^t to answer the suite of James peek plaintiff nor did Rob^t Route Esq; provost Marshall who Executed the Sayd Attachm^t keep the sayd Vessell any longer in his custody than from the twelfth day of August to the nineteenth day of the same Month which in the whole amounts but to Seven days for all which falsely on Oath libelling and defaming the Justices and Officers of the Gen^l Court in contempt of the Authority of this Governm^t & to begett Strife Sedition & dissention Wee the Sayd Jurors on Our Sayd Oath do present the Sayd William Cooke to be guilty of a great Misdemeanor against the peace of Our Lord the King that now is his Crown & dignity &c.

And on the Motion of the Sayd Attorney Gen^l It is Order^d that the Marshall take into his Custody the body of the Sayd William Cooke so as to have him before the Cheif Justice and the rest of the Justices of the Gen^l Court at the next Court to be held at Edenton the last Tuesday in July next on the third day of the Sayd Court then & there to make answer to the aforesayd Bill of Indictment

William Little Esq; Attorney Gen^l comes to prosecute a Bill of Indictment against Thomas Blount for breach of the peace found by the Grand Jury in these Words Viz^t

North Carolina March Gen^l Court One thousand Seven hundred & twenty Seven.

The Jurors for Our Sovereign Lord the King on their Oath do present and Say that on the eighteenth of this instant March Viz^l in Bath County One Thomas Blount of the Sayd Bath Counter planter by force and Armes an Assault & greivous battery did make on Robert Campain of the Sayd County and him then & there the Sayd Thomas did beat Batter bruise and Sorely wound with Sticks Clubbs and fist insomuch that his life was despaired of Wherefore Wee the sayd Jurors on Our Sayd Oath do present that the Sayd Thomas Blount for Trespass & breach of the peace at the time & place and in manner as aforesayd against the peace of our Sovereign Lord the King that now is his Crown & dignity &c And on the Motion of the Sayd Attorney Gen^l It is Order^d that the Marshall take into his Custody the body of the sayd Thomas Blount so as to have him before Our Cheif Justice & the rest of the Justices of the Gen^l Court at the next Court to be held at the Court House in Edenton the last Tuesday in July next on the third day of the Sayd Court then & there to make answer to the aforesayd Bill of Indictment.

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against John Miles of Edenton in Chowan precinct Taylor for felony in these words Viz^t

To the Hon^{ble} Christopher Gale Esq: Cheif Justice & the rest of the Justices of the Gen^l Court begun and held at Edenton the last Tuesday in March One thousand Seven hundred & twenty Seven.

The Jurors for our Sovereign Lord the King on their Oath do present that John Miles of Edenton in Chowan precinct Taylor not having the fear of God before his eyes but being mov^d by the instigation of the Devill to witt in Chowan precinct on or about the twenty Seventh day of February in the year of our Lord one thousand Seven hundred and twenty six did fraudulently & feloniously steal take and carry away from William Williams one Jugg and one Butterpott full of Rum containing two Gallons of the value of ten shillings by force and Armes &c against the peace of Our Lord the King that now is his Crown & dignity &c. To which Indictment the Sayd John Miles pleaded not Guilty but being called a Second time to the Barr in Order for his Tryall he pray^d leave to withdraw his plea aforesayd and plead de novo which was granted And thereupon the Sayd John Miles pleaded Guilty to the value of twelve pence And the Atto^y Gen^l having by Order of the Governo^r and Council entred a Nolle prosecui on the aforesayd Indictment Therefore It is Consider^d and Adjudged

that he be thereof discharg^d and may go without day paying Costs. Whereupon Coll^o John Worley came into Court and payd the Costs due from the sayd John Miles and also assumed & promised to pay William Williams fifteen pounds due from the Sayd John Miles also to find and provide good & Sufficient meat drink lodging & Apparrell for & during the Term of three Years In Considera^on whereof the Sayd John Miles doth covenant and agree to Serve the Sayd John Worley or his Assignee the full Term of three Years and at the Expira^on thereof to depart his Masters service without Courte and Clothes or money instead thereof as the Law in that Case hath provided which Agreement being made by the partys in Court It is Order^d to be binding.

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against William Arkill for a Breach of the peace in these Words Viz^l

North Carolina March Court one thousand Seven hundred and twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present William Arkill of Chowan precinct Labourer for that the Sayd William Viz^l in Chowan afores^d on or about the eighteenth day of January One thousand Seven hundred and twenty six by force & Armes &c against the peace an Assault did make on Bartholemew Scott of Edenton and him then & there with Stones and other weapons did most greivously beat and wound breaking his Jaw bone in two places and his finger and So Sorely wounded him that his life was despaired of for which wee the Sayd Jurors on our Sayd Oath do present the sayd William Arkill for trespass and breach of the peace at the Sayd time & place in manner as aforesayd against the peace of Our Sovereign Lord the King that now is his Crown & dignity &c.

And on the motion of the Sayd Attorney Gen^l It is Order^d that the Marshall do take into his Custody the body of the Sayd William Arkill so as to have him before the Cheif Justice and the rest of the Justices of the Gen^l Court at the next Court to be held at Edenton the last Tuesday in July next on third day of the Sayd Court then & there to make answer to the aforesayd Indictment

William Little Esq^r Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against Thomas Andrews for perjury in these words Viz^l

North Carolina To March Gen^l Court One thousand Seven hundred and twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present that Thomas Andrews of North Carolina Marriner on or about the twenty fourth day of January One thousand Seven hundred & twenty Six Viz^l in the precinct of Chowan being brought before Edward Moseley Esq^r one of his Majesty's Justices of the peace to give Evidence concerning a power of Attorney from one John Derricott to constitute the Sayd Andrews his Attorney for recovery of wages due from Edmond porter to the Sayd Derricot which power was certified on the back thereof by Christopher Gale Esq: Cheif Justice to be prov^d before him by the Oath of John Hodges but he the Sayd Thomas Andrews not having the fear of God before his eyes did then and there before the Sayd Justice voluntarily maliciously and falsely depose and on Oath declare that the sayd Thomas Andrews was present at the time the Sayd Hodges was examin^d and certified to be Sworne by the sayd Christopher Gale Cheif Justice and that the Sayd Hodges was not Sworne at all notwithstanding what was so certified by the sayd Cheif Justice and further that the Sayd Thomas in his Sayd Deposition did falsely and maliciously Suggest assert & insinuate that the Sayd Hodges at the Sayd time declared to the Sayd Cheif Justice that he never Saw the Sayd Derricott execute the Sayd power of Attorney notwithstanding what is certified otherwise by the sayd Cheif Justice in great Contempt and Defamation of the sayd Christopher Gale Esq: Cheif Justice as well as utterly against the truth wherefore Wee the Sayd Jurors on Our Sayd Oath do present the sayd Thomas Andrews for willfull perjury against the peace of our Lord the King that now is his Crown & dignity &c And on the Motion of the Sayd Attorney Gen^l It is Order^d that the provost Marshall or Deputy do take into his custody the body of the Sayd Thomas Andrews so as to have him before the Cheif Justice and the rest of the Justices for holding the Gen^l Court at the next Court on the last Tuesday in July next on the third day of the sayd Court then & there to make answer to the aforesayd Indictment.

William Little Esq: Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against William Williford for breach of the peace in these words viz^t

North Carolina March Gen^l Court one thousand seven hundred & twenty seven

The Jurors for our Sovereign Lord the King on their Oath do present that William Williford of Bertie Labourer Viz^t in the sayd precinct on

or about the fifteenth day of February one thousand Seven hundred & twenty Six with divers others unknown William Williford by force and Armes an Assault did make on Thomas Spires Deputy Marshall & did batter beat bruise and wound. Francis Pugh then and there in ayd & Assistance of the Sayd Thomas Spires Deputy Marshall being for all which done by force & Armes and against the peace Wee do present the sayd William Williford for an high breach of the peace against the peace of our Lord the King that now is his Crown & dignity &c: And on motion of the sayd Attorney Gen^l It is Ordered that the Marshall do take the body of the Sayd William Williford into his custody So as to have him before the Cheif Justice & the rest of the Justices for holding the Gen^l Court on the last Tuesday in July next on the third day of the Sayd Court then and there to make answer to the aforesayd Indictment.

The presentment made by the Grand Jury against Coll^o John Worley and Joshua Worley the Son of the Sayd Coll^o John Worley was read in these words Viz^l

April the first one thousand Seven hundred & twenty Seven presentment against Coll^o John Worley & Joshua Worley the son of the Sayd Coll^o John Worley in and for assault and Battery made on the body of Thomas Bell near the Brickhouse in Moratueke the Seventeenth day of November last One thousand Seven hundred & twenty six Endors^t good presentm^t John Speir Foreman

Order^d that the Marshall take into his custody the body of the Sayd John Worley and Joshua Worley so as to have them before the Cheif Justice & the rest of the Justices for holding the Gen^l Court at the — Courthouse in Edenton to begin & holden the last Tuesday in July next on the third day of the Sayd Court then & there to make answer to the aforesayd presentment.

It being represented to this Court that it is highly necessary that a Ferry should be settled over Cape Fear River and that part of the province not being layd out into precincts Therefore it is by this Court Order^d that the Ferry be kept for that River by Cornelius Harnett from the place design^d for a Towne on the West Side of the River to a place called the Hauleover And that he receive the Sum of five Shill^l for a man & horse and half a Crown for each person and that no person to keep any Ferry within ten miles of the sayd places

The petition of Anne Thomas being read in these Words Viz^t To the Hono^{ble} the Justices of the Gen^l Court now Sitting The humble petition of Anne Thomas Humbly Sheweth that your petition^r Serv^d the last of her time with William Cooke of Bertie precinct and I have been at three

pounds charge already and can gett no Satisfaction these are therefore humbly to begg the favour of Your Hono^{rs} to grant me an Order for my Corn and Clothes either of my last Master or of John Early who sold me to him which yo^r Hono^{rs} think ought to pay me And Your Hono^{rs} humble petition^r as in duty bound shall forever pray &c

Sign^d

ANN THOMAS

It is thereupon Order^d that William Cooke be summon^d to appear who came And the Arguments thereon being being fully heard It is Order^d that the Sayd William Cook pay her three barrells of Corne & four pounds in Bills with Costs alias Execution.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd and the Sayd Def^t (being also called) came And at their motion and by Consent the Tryall of the Sayd Issue is referr^d till the next Court to be held for this Government at Edenton the last Tuesday in July next.

And now here at this day (Viz^l &c) came the Sayd Attorney Gen^l and the Sayd Def^t (being also called) came Whereupon the Marshall was Comanded to cause to come twelve &c by whom &c and there came Viz^l M^r Joseph Minge M^r Patrick Egerton M^r William Watson M^r Thomas Callaway M^r William Jones M^r Robert Tullington M^r Richard Oldner M^r Luke Gregory M^r Rich^d Skinner M^r David Linzey M^r Jonathan Clift and M^r Ralph Bozeman who being impannell^d and Sworne On their Sayd Oath do Say that Watkin price is Guilty Whereupon the Sayd Watkin price by Thomas Swann his Attorney moved an Arrest of Judgment & prayed time over as by an Act of Assembly made in this Government; And It being Consider^d of by the Court here It is their Opinion that the Defts. Case comes not with the Sayd Act of Assembly and therefore the sayd Defts. motion for time over is disallow^d but by the Court here it is granted that he may time this Court to move in arrest of Judgment And if longer time be desired It is further Order^d that the Court shall adjourn & Stay Judgment for four days which was by Thomas Swann the Sayd Watkin price^a Attorney refused.

And afterwards the Attorney Gen^l moved that the Sentence of this Court thereon might be putt in respite untill the next Court on the last Tuesday in July next which was granted

And now here at this day (Viz^l &c) came the aforesayd Attorney Gen^l and the Sayd Mackroro Scarbrough also (being Solemnly required came) And by consent of the Sayd Attorney Gen^l It is made a Rule of this Court that a Nolle prosequi shall be entred at the next Court on the last Tuesday in July next If the Actions depending at Comon Law against

him as Administrator or otherwise be determined by the Arbitration of John Lovick & Edward Moseley Esq^s Arbitrators therein indifferently chosen If not then the Indictment and proceedings thereon to Stand and remaine in Statu quo.

And now here at this day (Viz^l &c) came the Sayd William Little Esq: Attorney Gen^l and Sayth that the Sayd James Castellaw on the Sayd Indictment he will not any further prosecute And the Sayd John Nairne in his own proper person came into Court and acknowledg^d himself indebted unto our Sovereign Lord the King his Heirs and Successors in the sum of twenty pounds Sterling to be levied on his good & Chattells Lands & Tenements &c: With Condition that he personally be and appear at the next Gen^l Court to be held for this Government at Edenton the last Tuesday in July next on the third day of the Sayd Court then & there to make answer to the Sayd Indictment and in the mean time that he keep the peace of our sayd Lord the King & be of his good behaviour and not to depart from the sayd Court without lycence then this Recognizance to be voyd else to remaine of full force.

And now here at this day (Viz^l &c) the Sayd Thomas Spencer (tho' again called) came not nor made any answer to the Informaⁿ against him filed as aforesayd Wherefore at the motion of the Attorney Gen^l aforesayd it is Order^d that another Writt do issue requiring and commanding the Marshall to take into his custody the body of the Sayd Thomas Spencer So as to have him before the Cheif Justice & the rest of the Justices for holding the Gen^l Court at the next Court the last Tuesday in July next to make answer to the Information aforesayd

And now here at this day (Viz^l &c) the aforesayd Richard Washington who was continued on his Recognizance now to appear is dismiss thereof and may go without day paying Costs.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd Indictment against the sayd John Martin and the Sayd John (tho' Solemnly required) came not nor Supported the plea aforesayd Wherefore It is made a Rule of this Court at the Motion of the Attorney Gen^l that unless the Sayd Deft. appear without further notice at the next Court on the last Tuesday in July next to justify his plea that the matter be taken pro confesso and Sentence be past thereon as the sayd Court Shall think fitt.

And now here at this day (Viz^l &c) the Sayd William Ross (tho' Solemnly required) came not nor any answer made unto the Indictment aforesayd Wherefore at the motion of the Attorney Gen^l It is Order^d that another Writt do issue directed to the Provost Marshall or Deputy requir-

ing and comanding that the Sayd William Ross be taken into custody so that he be and appear at the next Gen^l Court to be held for this Govern^t at Edenton the last Tuesday in J^yly next to make answer to the Sayd Indictment.

And now here at this day (Viz^l &c) the Sayd William Lewis Jun^r (tho' Solemnly required) came not: Wherefore at the Motion of the Attorney Gen^l It is Order^d that another writt do issue directed to the Provost Marshall Comanding him or Deputy to take the Sayd William Lewis Jun^r into custody so that he personally be & appear at the next Court on the last Tuesday in July next to make answer to the aforesaid Indictment

And now here at this day (Viz^l &c) the Sayd John Richardson (tho' Solemnly required) came not Wherefore at the Motion of the Attorney Gen^l It is Order^d that another Writt do issue directed to the Provost Marshall or Deputy comanding the Sayd John Richardson to take into Custody so as to be & appear at the next Court on the last Tuesday in July next to make answer to the aforesayd Indictment.

And now here at this day (Viz^l &c) the Sayd John Richardson (tho' Solemnly required) came not Whereupon at the Motion of the Attorney Gen^l It is Order^d that another Writt do issue directed to the Provost Marshall or Deputy comanding the Sayd John Richardson to be taken into Custody So as to be and appear at the next Court to be held for this Government at Edenton the last Tuesday in July next to make answer to the Indictment aforesayd

And now here at this day (Viz^l &c) the aforesaid Thomas Oldner (tho' Solemnly required) came not. Wherefore at the Motion of the Sayd Attorney Gen^l It is Order^d that the Marshall do take into his Custody the body of the Sayd Tho^s Oldner so that he personally be and appear at the next Gen^l Court on the last Tuesday in July next to answer the Sayd Indictment

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' Solemnly required) came not nor made any answer to the Bill of Indictm^t found against him for Trespass Assault Misdemeanor and breach of the peace &c Wherefore at the Motion of the Attorney Gen^l It is Order^d that another Writt do issue comanding the Marshall to take the body of the Sayd George Burrington So as that he personally be and appear at the next Court on the last Tuesday in July next to make answer to the Sayd Indictment (no returne of the Capias granted at the last Court having been as yet made).

And now here at this day (Viz^l &c:) the aforesayd Geo: Burrington (tho' Solemnly required) came not nor made any answer to the Bill of

Indictment afores^d found against him for a Trespass & Misdemeanor Wherefore at the Motion of the Attorney Gen^l It is Order^d that another Writt do issue comāding the Marshall to take the body of the sayd Geo. Burrington into his Custody So as that he personally be & appear at the next Gen^l Court on the last Tuesday in July next to make answer to the Sayd Indictment no returne of the former Capias having been as yet made

And now here at this day (Viz^l &c) the aforesayd George Burrington and Cornelius Harnett (tho' Solemnly required) came not nor made answer to the Bill of Indictment aforesayd against them found Wherefore at the motion of the Attorney Gen^l It is Order^d that another Writt do issue comāding the Marshall to take them into his custody So as that they personally appear at the next Court on the last Tuesday in July next to make answer to the aforesayd Indictment.

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' Solemnly required) came not nor made answer to the Bill of Indictm^t against him found ag^t him for Trespass assault & Misdemeanor in Bath County Wherefore at the Motion of the Attorney Gen^l It is Order^d that another Writt do issue comāding the Marshall to take the body of him the s^d George into his Custody So as that he personally appear at the next Court on the last Tuesday in July next to make answer to the aforesayd Indictment.

The petition of peter Vantrump a negro was read in these Words Viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Christopher Gale Esq^r Chief Justice of the Gen^l Court
February the third one thousand Seven hundred & twenty Six

The Complaint and petition of peter Vantrump a free Negro Sheweth that yo^r Complainant being a free Negro and at his own voluntary disposall & hath hired himself to Service Sundry times particularly in New York and other places and being at S^t Thomas's this Summer past one Cap^t Mackie in a Brigantine from thence being bound (as he reported) to Europe Your Hono^{rs} Complainant agreed to go with him in Order to gett to Holland but instead of proceeding the Sayd Voyage the Sayd Mackie came to North Carolina where combining with one Edmond porter of this province and fearing the Sayd Mackie not to be on a lawfull Trade Yo^r Complainant was desirous to leave him and the Sayd porter by plausible pretences gott Your Complainant to come away from the Sayd Mackie with him altho' Your Complainant often told the Sayd porter that he was

not a Slave but a free man Yet nevertheless the Sayd porter now against all right now pretends Your Complainant to be his Slave and hath held and used him as Such wherefore Your Complainant prays he may be adjudg^d & declar^d free as in Justice he ought to be & Sign^d Peter Vantrump; The Order thereon made by the sayd Cheif Justice was also read in these words Viz^t

Edenton Feb^r the fourth one thousand seven hundred & twenty six. Order^d that the sayd Negro be taken by the provost Marshall in Order to be had without fayle at the next Gen^l Court for Tryall of his liberty and freedom & that Edmond porter be serv^d with a Copy of the Complaint of the s^d peter Vantrump & the Order thereon also with a Scire facias at the Sayd Court to appear & Shew cause (if any he have) why the Sayd peter should not be judg^d free & that there may be no loss in the mean time to the Owner (if any such should appear to be) it is Order^d that the provost Marshall do lett the sayd peter to Service to Such Safe persons as will be answerable for his forthcoming & will give Sufficient Security to produce the Sayd peter at the Sayd Court (Mortality excepted)

Sign^d

C. GALE C: J:

And now the Sayd Edmond porter into Court came and the Sayd Peter Vantrump by the Provost Marshall was also brought and the Arguments on both Sides being by the Court fully heard and understood It is consider^d & Order^d that the Sayd petition be dismiss^t.

Michael Colding being bound by Recognizance now to appear accordingly came and no person offering to prosecute or give Evidence against him he is discharg^d without day payⁿ Costs.

William Arkill into Court came and pray^d that his Appearance may be entred And then he acknowledged himself indebted to our Sovereign Lord the King his Heirs successor^s and Assignes in twenty pounds to be leyed on his goods & Chattells Lands & Tenements &c With Condition that he will personally appear at the next Court on the last Tuesday in July next then & there to make answer to the Bill of Indictment found by grand Jury against him as aforesayd & will not depart the Court without Lycence & in the meantime be of his good behaviour

NORTH CAROLINA—SS.

Att a Gen^l Court of Oyer and Terminer and Gen^l Goale Delivery held for the Sayd province at the Courthouse in Edenton begun on Tuesday the twenty eight day of July one thousand Seven hundred and twenty

Seven And Continued by Adjournm^{ts} to the Second day of August following.

Present

Christopher Gale Esq ^r Cheif Justice	
Major Thomas Luton	} Esq ^{rs} Assistants.
John Alston	
James Leigh	
Thomas Lovick	
Thomas Speight	

And Severall Members of the Councill (as Justices of the Peace) to hold the Gen^l Sessions of this Government.

The following persons were impannell^d and Sworne of the Grand Jury Viz^t

Mr Tho ^s Parris	Mr Tho ^s Hoskins	Mr Thomas Bryan
Mr John Ismay	Mr Edward patchett	Mr Tho ^s Blitchenden
Mr James Ward	Mr Nath ^l Hall	Mr Daniel Shine
Mr W ^m Haughton	Mr Rich ^d Minsey	Mr John Cotton
Mr John Powers	Mr John Blount	Mr John Pettiver.
Mr W ^m Whitehead		

who being charg^d with things proper for their Enquiry withdrew and having consider^d the Severall matters given them in charge and on their Returne made the following presentments Viz^t

A Bill of Indictment against Elijah Stanton of perquimons precinct planter for Burglary and felony

A Bill of Indictment against George Allen of Edenton Chyrurgeon for going privately Arm^d And assaulting the Governo^r

A presentment against Solomon Hews for leaving his lawfull Wife and cohabiting with another woman in which time the woman have had two children

A presentment against John Brown for having left his Wife the daughter of Barnaby Mackennie and cohabits with another which he acknowledges to be his lawfull Wife both of the Sayd Women within this Government.

A presentment against Elizabeth puckett for that she hath left her husband and hath for Some years cohabited with a Negro Man of Cap^t Simon Jefferies. And then the Grand Jury was discharg^d from further Attendance at this Court

And now here at this day (Viz^t &c) came the Attorney Gen^l afores^d and the Sayd Thomas Swann in his own proper person also came And at their Motion and by consent the Tryall of the Sayd Issue is referr^d to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd and prayed day untill the next Court on the last Tuesday in October next because that the Evidences on behalf of our Sayd Lord the King to this Court are not come; And he hath it the Same day is also given to the Sayd Mackroro Scarbrough who now by his Attorney aforesayd appear^d.

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' again called) came not nor made any answer to the Bill of Indictment aforesayd against him for Trespass Assault Misdemeanor & breach of the peace contrary to the Act of Assembly in that case made &c. Wherefore at the Motion of the Attorney Gen^l aforesayd a pluries is Order^d to be issued thereby to compell him to appear at the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' Solemnly required) came not nor made any answer to the Bill of Indictment against him for a Trespass & Misdemeanor Wherefore at the Motion of the sayd Attorney Gen^l It is Order^d that another Writt do issue commanding the provost Marshall to have his body at the next Court on the last Tuesday in October next to make answer to the sayd Bill of Indictment the former Writt granted at the last Court being return^d non est invent.

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho Solemnly required) came not; nor Cornelius Harnett who was also called And the returne of the Writt granted at the last Court being (non Sunt inventi) at the motion of the Attorney Gen^l aforesayd a pluries is granted returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c;) came the Attorney Gen^l afores^d And the sayd George Burrington (tho' Solemnly required) came not nor made any answer to the Bill of Indictment found against him for Trespass Assault & Misdemeanor in Bath County Wherefore at the Motion of the Attorney Gen^l another Writt is granted returnable to the next Court on the last Tuesday in October next thereby to compell him then & there to appear &c, the former Writt being return^d non est inventus.

And now here at this day (Viz^l &c) came the aforesayd John Nairne and prayed continuance of the Sayd Recognizance untill the next Court on the last Tuesday in October next which by consent of the Attorney Gen^l is granted.

And now here at this day (Viz^l &c) the Sayd Watkin price being Solemnly required to appear & Shew cause (if any he hath or ought can Say why Sentence Should not pass against him) came not, Whereupon It

was then & there Consider^d Sentenc^d and adjudg^d that the Sayd Watkin price shall pay a Fine of ten pounds and also that he give Security for his good behaviour twelve months and one day and pay Costs alias Ex^{on}.

And now here at this day (Viz^l &c) the Sayd John Martin in his own proper person came and prayed leave to withdraw his plea aforesayd which was granted And then the sayd John Submitted himself to the mercy of the Court. Whereupon It was Sentenc^d and adjudg^d that the sayd John Martin shall pay a Fine of five shillings and also that he give Security in the sum of fifty pounds for his good behaviour three months and pay Costs alias Ex^{on}.

And now here at this day (Viz^l &c) the Sayd William Ross in his own proper person came and did not gainsay the aforesayd Indictment nor the matter therein contained but wholly Submitted himself to the mercy of the Court Whereupon It was Sentenc^d and adjudg^d that the sayd William Ross shall pay a fine of five shill^s & also that he give Security in the Sum of fifty pounds for his good behaviour three months and pay Costs alias Ex^{on}

And now here at this day (Viz^l &c) the Sayd William Lewis Jun^r (tho' Solemnly required) came not. Wherefore at the motion of the Attorney Gen^l an alias Capias is Order^d to be issued returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) the sayd John Richardson (tho' Solemnly required) came not: And it being given to the Court here to understand that Since the last continuance of the Sayd Suite the sayd John is departed this life Wherefore by the Court here It is Consider^d & Order^d that the same be dismiss.

And now here at this day (Viz^l &c) The Sayd John Richardson (tho' Solemnly required) came not; And it being given to the Court here to understand that since the last Continuance of the Sayd Suite the sayd John is departed this life & has left no Estate or Effects in this Governm^t Wherefore It is Consider^d and by the Court here Order^d that the Sayd Suite be dismiss.

And now here at this day (Viz^l &c) The Sayd Thomas Oldner (tho' Solemnly required) came not; and the Marshall^s returne on the Writt aforesayd being (Non est inventus) at the Motion of the Attorney Gen^l an Alias Capias is Order^d to be issued returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) The aforesayd Thomas Spencer (tho' Solemnly required) came not; nor did the Marshall make returne of the Writt aforesayd; Wherefore at the Motion of the Attorney Gen^l

a pluries is Order^d to be issued returnable to the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd Edmon porter on the Indictm^t aforesayd; But the sayd Edmond (tho' Solemnly required) came not; And the Marshall^e returne being non est inventus At the Motion of the Attorney Gen^l an Alias Capias is granted returnable to the next Court on the last Tuesday in October next. and Order^d to be issued accordingly

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the Sayd Edmond porter on the Indictm^t aforesayd. But the sayd Edmond (tho' Solemnly required) came not; And the Marshall's returne being Non est inventus At the Motion of the sayd Attorney Gen^l an Alias Capias is Order^d to be issued returnable to the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd William Cook on the sayd Indictment; But the sayd William (tho' Solemnly required) came not; And the Marshall's returne being Non est invent. At the Motion of the sayd Attorney Gen^l an Alias Capias is Order^d to be issued returnable to the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd Thomas Blunt on the sayd Indictm^t but the sayd Thomas (tho' Solemnly required) came not; And the Marshall having return^d the Writt not executed; At the Motion of the sayd Attorney Gen^l an Alias Capias is Order^d to be issued returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c.) the aforesayd William Arkill in his own proper person came & pray^d his appearance might be entred and thereupon It was consider^d and Order^d that he be continued upon the Recognizance aforesaid untill the third day of the next Gen^l Court on the last Tuesday in October next at the Motion of the Attorney Gen^l where-with the sayd William Arkill was content.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd Thomas Andrews on the sayd Indictm^t but the sayd Thomas (tho' Solemnly required) came not; And the Marshall having return^d Non est invent. on the Capias aforesayd At the Motion of the Attorney Gen^l an Alias Capias is order^d to be issued returnable to the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the sayd William Williford on the sayd Bill of Indictment.

And the sayd William Williford tho' Solemnly requir^d came not the Marshall being also called to produce him sayth that he is not to be found &c. Wherefore It is Consider^d and by the Court here Order^d with the consent of the sayd Attorney Gen^l that a Copy of the Indictment & proceedings thereon be sent to the Justices of the peace for the precinct of Bertie at the next Court to be held for the sayd p^recinct for them the sayd Justices to examine into the demeritts thereof and according to their opinion to make their Report to the next Gen^l Court to be held for this Governm^t at Edenton the last Tuesday in October next that the sayd William Williford may be further prosecuted or discharg^d as to the sayd Court shall then & there seem meet.

And now here at this day (Viz^l &c) came the Attorney Gen^l aforesayd to prosecute the Sayd John Worley & Joshua Worley on the Sayd Presentment but the sayd John & Joshua (tho' Solemnly required) came not. Wherefore at the Motion of the sayd Attorney Gen^l It is Consider^d & Order^d that an Alias Capias issue returnable to the next Court on the last Tuesday in October next.

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictment found by the Grand Jury against Elijah Stanton for Burglary & Felony which was read in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice and the rest of the Justices for holding the Gen^l Court of Sessions begun & held at Edenton the last Tuesday in July one thousand Seven hundred and twenty Seven.

The Jurors for our Sovereign Lord the King on their Oath do present that Elijah Stanton of the precinct of perquimons in the Sayd province planter not having the fear of God before his eyes but being moved and instigated by the Devill in the precinct of perquimons aforesayd on the sixteenth day of June One thousand Seven hundred & twenty seven in the night of the same day by force & armes the Mansion or Dwelling house of Thomas Weeks of & in the sayd precinct planter feloniously & burglariously did break into and enter and thence feloniously and burglariously did take and carry away eight pounds five Shillings publick bills of Credit of this province & between two & three Gallons of Hogslard or Fatt two middle peices of Bacon and eighteen yards of Cloth being the moneys or Bills & proper Goods & Chattells of the sayd Thomas Weeks against the peace of Our Lord the King that now is his Crown & dignity &c. Upon which Indictment he was arraigned and upon his Arraignm^t he pleaded (Not guilty) and for Tryall thereof putt him-

self upon the Country Whereupon the Marshall was comāded to cause to come twelve &c: and there came Cap^t William Downing William Charlton Cap^t John Span Mathew Casewell John Lewis John Falconer William Charlton Jun^r Thomas Williams, John Relfe Ralph Bozman Francis Branch & Joseph Hudson who being impannell^d and Sworne on their Oath do say Wee of the Jury do find the prisoner Guilty of Felony to the thirty shill^s Sign^d W^m DOWNING Foreman

And then the Sayd Elijah Stanton being called & brought to the Barr and being ask^t if he any thing had to say why Sentence of Death should not pass against him pray^d the Benefit of the Act of Parliament made in the twelfth year of Queen Anne wherein the Clergy is allow^d if the goods are not found to be of the value of forty shill^s

Wherefore It is Consider^d Sentenced and adjudged that he be burnt in the hand with the letter T also that he give Security for his good behaviour for twelve Months and one day himself in the sum of fifty pounds and two Sureties in twenty five pounds each And then to be discharg^d paying fees.

On the petition of Nath^l Hall praying to be allow^d for his charges in apprehending and comitting the sayd Elijah Stanton and attendance as Evidence upon his Tryall Order^d that the sayd Elijah Stanton do pay him the Sum of two pounds eighteen shill^s & fourpence with Costs alias Ex^{on}

On the petition of Tho^s Weeks praying to be allow^d for his charges in conveying the sayd Elijah Stanton to prison & for Attendance as Evidence upon his Tryall Order^d that the Sayd Elijah do pay ye sum of three pounds fifteen & ten pence with Costs alias Ex^{on}

On the petition of Ann Weeks praying to be allow^d for her attendⁿ &c as Evidence on behalf of our Sovereign Lord the King against the sayd Elijah Stanton Order^d that he pay her the Sum of two pounds three shill^s & four pence with Costs alias Ex^{on}

William Little Esq: Attorney Gen^l comes to prosecute the Bill of Indictm^t found by the Grand Jury against George Allen of Edenton Chyrurgeon for going privately arm^d and assaulting the Gov^r which was read in these Words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice and the rest of the Justices for holding the Gen^l Court of Sessions for the s^d province begun & held at the Courthouse in Edenton the last Tuesday in July one thousand Seven hundred & twenty Seven.

The Jurors for our Sovereign Lord the King on their Oath do present that George Allen of Edenton Chyrurgeon not having the fear of God

before his Eyes and not regarding his duty & allegiance to preserve the Kings peace and the present Governm^t here establish^t but being moved & instigated by the Devil & his own boysterous Temper & Seditious heart Viz^l in Edenton in Chowan precinct in the province of Carolina on or about the twenty fourth day of June one thousand Seven hundred and twenty Seven did go Secretly arm^d against the peace & did threaten & give out in Speeches that he went thus arm^d against S^r Richard Everard Baron^t then & still Governo^r of this province & afterwards Viz^l on the next day in the place aforesayd he the sayd George being arm^d with two pistolls Viz^l a pockett pistoll and a Horse pistoll under his arm both loaden with power & Ball and a Sword did then & there mutinously and in an hostile manner come to the Sayd S^r Rich^d Everard Baron^t then & still Governo^r as aforesayd & being by the sayd Governo^r Seized and his larger pistoll taken from him & he bidd to be gone and comāded to his good behaviour he the sayd George thereon most wickedly against the peace & in defiance of the Authority of this Governm^t did then & there immediately assault the sayd S^r Rich^d Everard Baron^t then & still Governo^r of this province as aforesayd saying to him the sayd Governo^r who had just taken one pistoll from him these Words God damn You (the s^d Governo^r meaning) I have another (meaning another pistoll) I am still prepar^d for you and did thereupon then & there Cock & present a pistoll loaden with powder and ball & primed at & against the Sayd S^r Rich^d Everard^d then & there Governo^r of this province offering & threatning to Shoot & kill him in the presence & hearing of divers of his Majestys leige Subjects contrary to his duty & good abearance with evill intent to raise sedition & mutiny and destroy the present Government happily Establish^t & the peace & tranquillity thereof Arming against. All which is in high contempt & resistance & defiance of the authority of this Governm^t and in utter Subversion thereof against the peace of our Sovereign Lord the King that now is his Crown & dignity and Contrary to the Acts & Laws in that Case made & provided &c

and the sayd George Allen in his own proper person appear^d who being asked how he would acquit himself of the Crimes charg^d against him in the aforesayd Indictment Sayd that he is thereof not Guilty & of this he putts himself upon the Country and William Little Esq Attorney Gen^l likewise And by consent of both partys the Tryall of the sayd issue is refer^d to the next Court on the last Tuesday in October next. And it is further Order^d that he stands continued on his Recognizance for his appearance at the sayd Court.

The presentment of the Grand Jury against Solomon Hews was read in these Words Viz^t

Wee of the Grand Jury do present Solomon Hews Severall persons amongst us Say of their own knowledge that he hath for some time left his lawfull Wife & hath Cohabited with another Woman in which time the Woman have had two Children

Endors^d

THO^s PARRIS Foreman

The presentment of the grand Jury against John Brown was read in these words Viz^t

Wee of the Grand Jury do present John Brown of Bertie precinct alias Bath Severall amongst us Say that they know him to have left his Wife the daughter of Barnaby Mackinne & cohabits with another which he acknowledges to be his lawfull Wife both of the Sayd Women Within this Governmen^t

Endorsed

THO^s PARRIS Foreman.

The presentm^t of the Grand Jury against Eliz^a puckett was read in these words Viz^t

Wee of the Grand Jury do present Eliz^a puckett Severall persons amongst us of their own knowledge say that she hath left her husband & hath for Some Years cohabited with a Negro Man of Cap^t Simon Jefferies

Sign^d

THOMAS PARRIS Foreman

Which presentm^{ts} being read It is Consider^d of and by the Court Order^d that they be referr^d to the Justices of the Precinct of Bertie at their next Court to be held for the sayd precinct for their further Enquiry into the p^rmisses; And it is further Order^d that Copys of the Sayd presentments and proceedings thereon to be thither Sent.

The petition of Thomas Gibson was read in these words.

NORTH CAROLINA GEN^l COURT—SS.

To the Hono^{ble} Christopher Gale Ch: Justice and his assistants now Sitting in Court.

The Petition of Thomas Gibson Son of Eleno^r Gibson late of pasquotank precinct deceased humbly Sheweth.

To yo^r Honor^{ts} That yo^r Petition^{rs} Mother Ellenor Gibson dyed possesst of a very large personall Estate as p^r Inventory and that yo^r petition^r being then a Minor administracōn was comitted to one M^r John Blish who took the same Estate into his hands & in a very short time afterwards the Sayd John Blish dyed & made one William Willson his Extōr who entred upon & took the possession of the Same Estate And your petitiono^r Sheweth to Yo^r Honor^{ts} that he is of full age & ought to

have his proportionable part of the Same estate be being a fourth Claimer Yet y^e sayd William Willson Ex^{on} as aforesayd the one fourth part of the Same Estate to yo^r petition^r to deliver altogether refuses Wherefore yo^r petition^r prays an Order of this Court to compell y^e Sayd William Willson Ex^{or} as afores^d to deliver to yo^r petition^r y^e one fourth part of the Same Estate & in the very Same Species that it then Consisted of & yo^r pet^r as in duty bound shall ever pray &^e

Sign^d

THO GIBSON

Whereupon It was consider^d that the sayd William Willson should be summon^d to appear at y^e next Court on the last Tuesday in October next with his acco^{ts} as Ex^{or} Stated,

And then the Court adjourn^d }
 ꝑ Ord^r of Ch : Just : & assistants }

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer & Gen^l Goal delivery held for the Sayd Province at the Courthouse in Edenton begun on Tuesday the thirty first day of October Anno Dⁿⁱ one thousand Seven hundred & twenty Seven and continued by adjournment to the fourth day of November following

Present

Christopher Gale Esq	Cheif Justice
Major Tho ^s Luton	} Esq ^{rs} Assistants
Thomas Lovick	
Henry Bonner	

And Severall Members of the Council as Justices of the Peace to hold the Gen^l Sessions of this Government

The following persons were impannell^d & Sworne of the Grand Jury Viz^l

Mr John Relf	Mr Francis Hobson
Mr William Willson	Mr Robert Anderson
Mr William Daniel	Mr Ralph Bozman
Mr Jos : Sanderson	Mr James Mackdaniel
Mr John Falconar	Mr Tho ^s Co ^m mander
Mr John Blount	Mr John Norcomb
Mr William Arrington	Mr Seth Pilkington
Mr Jonathan Kitterill	Mr John Davis
Mr Charles Barber	Mr Charles Jorden

who being charg^d with things proper for their Enquiry withdrew and consider^d the Severall matters given them in charge and on their retorne presented the following Bills of Indictment Viz^l

A Bill of Indictment ag^t W^m Hughes for Felony

A Bill of Indictment against William Hughes for Felony

A Bill of Indictment against John Williams alias William Hughes for assaulting Wounding & dismembring James Singleton Deputy Marshall in the Execution of his Office.

A Bill of Indictment against George Allen of Edenton Chururgeon for abusing the Court & resisting the Marshall in the Execution of his office

A Presentment against Michael Colding for a Breach of the Kings peace

And then the Grand Jury was discharg^d from further attendance at this Court.

And now here at this day (Viz^l &c) The sayd Thomas Swann in his own proper person came and William Little Esq: Attorney Gen^l on behalf our Sovereign Lord the King appear^d and Sayd that he would no further prosecute the Indictm^t aforesayd against the say^d Thomas Swann The Hono^{ble} the Governo^r having assented to dismiss the Same Wherefore It is Consider^d and by the Court here Order^d that he be thereof dismiss^t & may go without day.

And now here at this day (Viz^l &c) The sayd Macroro Scarbrough in his own proper person came and William Little Esq: Attorney Gen^l on behalf of our Sovereign Lord the King appear^d and sayd he would no further prosecute the Indictm^t aforesayd against the Sayd Macroro Scarbrough The Hono^{ble} the Governo^r having assented to the dismission of the same Wherefore It is Consider^d and by the Court here Order^d that he be thereof dismiss^t and may go without day paying Costs.

And now here at this day (Viz^l &c) the sayd Geo: Burrington tho' agen called came not, nor made any answer to the Bill of Indictm^t afores^d against him for Trespass assault misdemeano^r and Breach of the peace contrary to the act of Assembly in that Case made &c: Wherefore It is Consider^d and by the Court here Order^d on the Motion of the Attorney Gen^l that v^e writt aforesayd be continued returnable to the next Court on the last Tuesday in March next

And now here at this day (Viz^l &c) the Sayd George Burrington tho' agen called came not nor made any answer to the Bill of Indictment afore Sayd against him for a Trespass & Misdemeano^r Wherefore at the Motion of the Attorney Gen^l It is Consider^d and by the Court here Order^d That the Writt aforesayd be continued returnable to the next Court on v^e last Tuesday in March next.

And now here at this day (Viz^l &c) the sayd George Burrington (tho' solemnly required) came not Nor Cornelius Harnett who was also called Wherefore on the motion of the Attorney Gen^l It is consider^d and by the Court here Order^d that the Writt aforesayd be continued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The said George Burrington (tho' Solemnly required) came not nor made any answer to the Bill of Indictment aforesayd ag^t him for a Trespass assault and misdemeano^r in Bath County Wherefore on the motion of the Attorney Gen^l It is Consider^d & by the Court Order^d that the Writt aforesayd be continued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The sayd John Nairne (tho' Solemnly required) came not but made default. Wherefore on the motion of The Attorney Gen^l It is Order^d that a Scire facias do issue returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the sayd William Lewis Jun^r (tho' Solemnly required) came not. Wherefore on the motion of the Attorney Gen^l a pluries is Ordered to be issued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) the sayd Thomas Oldner (tho' Solemnly required) came not: Wherefore on the motion of the Attorney Gen^l a pluries is Order^d to be issued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The aforesayd Thomas Spencer (tho' Solemnly required) came not; Wherefore on the motion of the Attorney Gen^l a Writt of Exigent is Order^d to be issued ag^t him.

And now here at this day (Viz^l &c) the aforesayd porter (tho' Solemnly required) came not; and the returne of the Writt being non est invent: Wherefore on the Motion of the Attorney Gen^l a pluries is Order^d to be issued returnable to the next Court the last Tuesday in March next.

And now here at this day (Viz^l &c) the afores^d Edm^d porter (tho' Solemnly required) came not; and the returne of the Writt aforesayd being non est invent. Wherefore on the motion of the Attorney Gen^l a pluries is Order^d to be issued returnable to the next Court on the last Tuesday March next.

And now here at this day (Viz^l &c) came the aforesayd William Cook and before Major Thomas Luton one of the Assistant Justices of this Court entred into Recognizance in these Words Viz^l

NORTH CAROLINA—SS.

Be it rememberd that on the fourth day of November One thousand Seven hundred & twenty Seven personally came before me William Cook of Edenton in the province aforesayd Oyster Man alias diet: Cap^t William Cooke owner and Master of a small deck^t Vessell and William Rowden of Edenton afores^d Baker and acknowledg^d themselves indebted to our Sovereign Lord the King in the following sums Viz^l in the sum of fifty pounds each to be leyed on their severall goods & Chattells Lands & Tenements &c: With Condi^con that if the above bound William Cook shall personally appear at the next Gen^l Court to be held for this Govern^{mt} at Edenton on the last Tuesday in March next on the third day of the sayd Court to answer to such matters as shall be objected against him by the Attorney Gen^l on a Bill of Indictment found against him by the Grand Jury at March Gen^l Court last and in the mean time that he be of his good behaviour then this Recognizance to be voyd or else to remain in full force and virtue.

Whereupon the sayd Suite was putt in respite untill the next Court on the last Tuesday in March next

And now here at this day (Viz^l &c) the sayd Thomas Blunt tho' Solemnly required came not; Wherefore on motion of the Attorney Gen^l the Writt of alias Capias is continued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The aforesayd William Arkill (tho' Solemnly required) came not; Wherefore on the Motion of the Attorney Gen^l a Writt of Scire^r facias is order^d to be issued requiring him to appear at the next Court on the last Tuesday in March next to Shew cause if any he have or ought can Say why his Recognizance should not be declared forfeited.

And now here at this day (Viz^l &c) the aforesayd Thomas Andrews (tho' Solemnly required) came not: and the Returne of the Writt aforesayd being (non est invent:) Wherefore on the Motion of the Attorney Gen^l a pluries is order^d to be issued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The aforesayd John Worley and Joshua Worley (tho' Solemnly required) came not; Wherefore on the motion of the Attorney Gen^l the sayd Writt of Alias Capias is continued returnable to the next Court on the last Tuesday in March next.

And now here at this day (Viz^l &c) The aforesayd George Allen (tho' Solemnly required) came not nor did William Harding Jones or Arthur Mabson his Suretys produce him; Wherefore on the motion of the Attor-

ney Gen^l It is order^d that a Scire facias do issue returnable at y^e next Court on y^e last Tuesday in March next requiring him and his Sayd Suretys to shew cause if any they have why the Sayd Recognizance Should not be declared forfeited.

And now here at this day (Viz^l &c) came the aforesayd Thomas Gibson by Tho^s Swann his Attorney; And the Sayd William Willson in his proper person came and prays Audito^{rs} to be appoynted to Settle the Acco^t of the Estate And accordingly Coll^r John palin David Bailey Nath^l Hall and Rob^t Louny Sen^r or any three of of them are by the Court here ap-
poynted Audito^{rs} to Settle the Acco^{ts} of the Sayd Estate and to make returne thereof to the next Court on the last Tuesday in March next.

William Little Esq^r Attorney Gen^l comes to prosecute a Bill of Indictment found by the Grand Jury against William Hughes for Felony w^{ch} was read in these Words Viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice and the rest of the Justices for holding the Gen^l Sessions on the last Tuesday in October One thousand Seven hundred & twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present that William Hughes of the province of North Carolina Labourer not having the fear of God before his Eyes but being moved by the Instigation of the Devill at Bertie precinct in the province aforesayd on or about the nineteenth day of September An^{no} Dⁿⁱ one thousand Seven hundred and twenty Seven did fraudulently & feloniously Steale take and carry away from John Barten of Bertie precinct planter two Handkercheifs one old Ozenbriggs Shirt one old Hatt one payr of Silver Shirt Buttons one payr of Garters One Ivory handle Knife & forke two Small bunches of white tape a Bottle with Some Rum and one knitt Capp of the value of ten shill^s contrary to the peace of our Sovereign Lord the King that now is his crown & dignity.

Sign^d WILLIAM LITTLE Attorney Gen^l

Endors^d Billa vera JOHN RELF Foreman.

To which Indictment the sayd William Hughes pleaded Not Guilty but being called to the Barr a Second time in Order for his Tryall he pray^d leave to withdraw his plea aforesayd which being granted he then pleaded Guilty and humbly moves the Court for mercy, Whereupon It was Consider^d & Adjudg^d That the sayd William Hughes shall receive thirty nine lashes on his bare back and that he stand comitted till the same is perform^d

William Little Esq: Attorney Gen^l comes to prosecute William Hughes on a Bill of Indictm^t found against him by the Grand Jury for felony in these Words Viz^t

NORTH CAROLINA—ss.

To the Hon^{ble} Christopher Gale Esq Cheif Justice & the rest of the Justices of the Gen^l Sessions held at Edenton the last Tuesday in October one thousand Seven hundred & twenty Seven

The Jurors for our Sovereign Lord the King on their Oath do present that William Hughes of the province aforesaid Labourer not having the fear of God before his Eyes but being moved by the instigation of the Devil at Moratuck River in Bertie precinct within the province of North Carolina aforesayd on or about the eleventh day of September One thousand Seven hundred & twenty Seven by force and armes did fraudulently and feloniously Steale take & carry away from a Canoe then lying at the Landing of M^r David Henderson on the South Side of Moratuck River aforesayd & belonging to John Bentley of Bertie precinct planter three Jackeets one payr of Shoes two payr of yarn Stockings One Garlix Shirt one Course Shirt two payr of Breeches of Linnen one payr of Buckles One Ivory Comb & Comb Case and one old Silk Handkercheif of the value of ten shillings against the peace of our Sovereign Lord the King that now is his Crown and dignity &c

Sign^d

W^m LITTLE Attorney Gen^l

Endors^d Billa Vera Joⁿ RELF Foreman

To which Indictment the Sayd William Hughes pleaded (Not Guilty) but being called to the Barr a Second time in Order for his Tryall he pray^d leave to withdraw his plea aforesayd which being granted he then pleaded Guilty And humbly moves the Court for mercy. Whereupon It was Consider^d Sentenc^d & Adjudged that he burn^t in the hand with the Letter T: which Sentence was putt in Execution accordingly

William Little Esq: Attorney Gen^l comes to prosecute John Williams alias William Hughes on a Bill of Indictm^t found against him by the Grand Jury for felony in these words Viz^t

NORTH CAROLINA—ss.

To the Hon^{ble} Christopher Gale Esq: Cheif Justice & the rest of the Justices for holding the Gen^l Sessions on the last Tuesday in October Anno Dⁿⁱ One thousand Seven hundred & twenty Seven

The Jurors of Our Sovereign Lord the King on their Oath do present that John Williams alias William Hughes of the sayd province planter

not having the fear of God before his Eyes but instigated by y^e Devil and his own malicious and seditious Viz^l in the in the s^d province on or about the eight day of September one thousand Seven hundred and twenty Seven did by force and Armes against the peace an Assault did make on the body of James Shingleton Deputy Marshall in the sayd province then & there in the Execution of his Sayd office being & him did beat bruise batter wound and dismember and other enormitys to the Sayd Officer he the Sayd John Williams alias William Hughes then & there Seditiously & mutinously did against the peace of our Lord the King his Crown and Dignity and contrary to an Act of Assembly in that Case made & provided &c

Sign^dW. LITTLE Att^e Gen^l

To which Indictment the Sayd John Williams alias William Hughes pleaded Guilty and humbly moves the Court for mercy.

Whereupon It was Consider^d Sentenc^d & adjudg^d that he shall stand in the pillory tomorrow from twelve of the Clock at Noon till two in the afternoon And then that he be dismist without day paying Costs

William Little Esq: Attorney Gen^l comes to prosecute George Allen on a Bill of Indictment found against him by the Grand Jury in these words Viz^l

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice & the rest of the Justices for the Gen^l Sessions on the last Tuesday in October One thousand Seven hundred & twenty Seven.

The Jurors for our Sovereign Lord the King on their Oath do present George Allen of Edenton in the precinct of Chowan within the Sayd province Chyrurgeon not having the fear of God before his Eyes but moved & instigated by the Devill and his own Seditious heart and malicious Spirit Viz^l at Edenton aforesayd on the Second day of November one thousand Seven hundred & twenty Seven at the Gen^l Court for the province within the Courthouse in Edenton aforesayd then held & Sitting he the sayd George having made a motion to the Sayd Court which on Solemn arguing and debate by by the sayd Court was rejected And the sayd George being check^t for his want of Good manners in Court by the Hono^{ble} Christopher Gale Esq^r then and Still Cheif Justice of the sayd province & the Cheif Justice of the Sayd Court with Tho^s Luton Thomas Lovick & Henry Bonner Esq^{rs} Members of the Sayd Court then Sitting he the sayd George in an Impudent manner then & there in open Court sayd to the Sayd Cheif Justice these insolent words Viz^l I value you not

(inuendo) the Sayd Cheif Justice thereby holding him and his Authority in contempt & Defyance. And further that he the sayd George then and there in open Court imediately after the aforesayd contemptuous Speeches turn^d himself from the Bench to the Co^mon people without the Rayles which were many & utter^d these seditious & opprobious false & Scandalous words & Speeches Viz^l You (inuendo the sayd people) See Gen^t that I cant have co^mon Justice (inuendo that the Sayd Cheif Justice and the rest of the Court denying doing him common Justice) intending thereby to oppugn & asperse the Justice hono^r integrity and authority of the sayd Court & to move the Sayd people then & there present to Sedition Mutiny & insurrection and to further his sayd flagitious intent the Sayd Court having Order^d thereon the Provost Marshall to take the Sayd Geo: Allen into custody to answer for his Sayd Seditious & insolent Speeches & give Bond for for his good behaviour he the Sayd George imediately fled to his dwelling house in Edenton aforesayd and gave out in Speeches he would be the death of any Marshall that would offer to medle with or touch him & Robert Hicks Esq^r provost Marshall thereupon going to his the sayd George Allen's house to take him into custody the sayd George Allen's house to take him into Custody he the sayd provost Marshall was then & there resisted by the sayd George Allen by a Gunn who Swore that if the Sayd provost Marshall offer^d to touch him the Sayd George he would Shoot him the Sayd provost Marshall who thereupon making report thereof to the Court was Order^d to take ayd And the sayd Provost Marshall thereupon with his Deputys and Sundry people co^manded in Ayd attempting to take take the sayd George he agen in his House resisted them & Stood out in Contempt & defyance & with Armes opposed them All which done with force & Armes in manner aforesayd & the aforesayd most contemptuous Speeches are an high misdemean^r in utter contempt of authority and tending to breed mutiny & begett Sedition in the Sayd province and is against the peace of Our Lord the King that now is his Crown and & dignity & contrary to an Act of Assembly in that Case made and provided

Sign^dW^m LITTLE Att^{ry} Gen^lEndors^d Billa vera Jo^a RELF Foreman

And on the motion of the Attorney Gen^l It is Consider^d and by the Court here & Order^d that a Capias do issue requiring him to appear at the next Gen^l Court in March next to make answer to the Sayd Indictment and further that he give Security to be of his good behaviour in the mean time.

The Rule of Court mention^d in the aforesayd Indictm^t was Order^d to be entred in these Words Viz^l

George Allen came into Court & preferr^d a List of Sundry Evidences he had that he wanted to be sworne in of the King to go to the Grand Jury and the Attorney Gen^l being asked if he had any occasion for the Sayd Evidences answered he knew nothing of them And thereupon the Sayd George Allen Sayd they were against S^r Richard Everard for breach of the peace in assaulting him & threw down on the Court Table an Indictm^t ready drawn ag^t the the Sayd S^r Rich^d Everard which was filed. And then the Attorney Gen^l inform^d the Court that there was an Ind^t already found by a former Grand Jury against the Sayd George Allen for assaulting the Hono^{ble} the Governo^r at that time and going privately arm^d to Shoot him And the Sayd George Allen and his Wife being among these Evidences he offer^d to be sent to the Grand Jury to prove the assault by the Governo^r and therefore could not be Evidences for the King but were really design^d against him in the End but being to the Court & the Court were of opinion on the whole matter that it was not proper and the sayd George Allen turn^d himself from the Court to y^e people Saying take notice Gen^t I cant have comon Justice & having just before told the Cheif Justice in Court he valued him not It was thereupon Order^d that the Marshall Should take him into custody till he gave Security in One hundred pounds for his good behaviour. Whereupon the sayd George Allen fledd to his house & gave out in Speech that the Marshall that came to take him should loose his life And the provost Marshall going out to take him at his house he with Armes threatned to shoot him dead if he offer^d to touch him as the Sayd Marshall made returne and thereupon It was Order^d by the Court that the Marshall take ayd to take the sayd George Allen into Custody to be brought before y^e Court.

The presentment ag^t Micheal Colding by the Grand Jury was read in these words Viz^l By Complaint of M^{rs} Elizabeth Marston Wee of the Jury present Michael Colding for a Breach of the Kings peace Sign^d Joⁿ Relf Foreman & agreed to be putt in form by the Attorney Gen^l And thereupon it was consider^d & by the Court here order^d that a Capias do issue for to compell him to appear &c at the next Court on the last Tuesday in March next & that he give security in the Sum of ten pounds to be of his good behav^r in y^e mean time.

And then the Court adjourned Ɔ order

C. GALE C. J.

W. BADHAM C. C. G.

1728.

[B. P. R. O. BOARD OF TRADE NORTH CAROLINA. VOL. 5. P. 267.]

To the Right Hon^{ble} the Lords of the Committee of his Majesties most
Hon^{ble} Privy Council

The Memorial of the Proprietors of Carolina whose Names are here-
unto Subscribed

Humbly Sheweth

That your Memorialists lately presented a petition to his Majestic humbly proposing to Surrender their respective intire Propertys in the province of Carolina upon the Condition therein mentioned and considering that there are great arrears of Quit Rents &c due from the Inhabitants of that province the Collecting of which in case his Majestic should be pleased to accept of the proposal might not only be difficult for your Memorialists but also occasion great uneasiness to the people.

Your Memorialists have hereunto annexed an Estimate of the said Arrears together with an Account of the Claims of their Officers and others which regularly ought to be answered out of the 5^d Arrears.

In laying this Estimate and account before Your Lordships Your Memorialists humbly beg leave to observe that for want of a proper Register they cannot offer it as an exact account of their arrears judging upon a strict enquiry Much more will be found due to them, yet it is drawn according to the best calculation they have been able to make under the long distracted state of affairs in Carolina whereby it appears there is upon a modest computation £9500 due as arrears of quit rents &c and only £7827. 7. 1 claimed by their Officers and others

Therefore in order to Render everything as easy as possible Your Memorialists humbly propose that in case your Lordships shall think proper to advise his Majestic to accept the Surrender of their respective propertys in the province of Carolina, your Lordships will also recommend it to his Majestic that he will be graciously pleased to cause the additional sum of £500 to be paid to your Memorialists in consideration of which sum they are willing to Surrender and make over to his Majestic the right and title to all arrears and demands whatsoever which they ever had or can have upon the Inhabitants of South and North Carolina and to discharge all their debts

And your Memorialists do further most Humbly beg leave to represent to your Lordship that they humbly hope your Lordship will recom-

mend it to his Majestie that he will be graciously pleased to fix such a time as in his great wisdom and Goodnes he shall think most proper for the Execution of the Surrender and payment of the money in order to prevent the great damage which a long suspence in this affair may occasion to the Inhabitants and the Province of Carolina in General as well as to your Memorialists in particular who would be ready and willing to close with some of the proposals which have been made to them for the better settling the province, which they would not presume to engage in till his Majesties Royal pleasure is known

All which is humbly submitted

BEAUFORT
CRAVEN
JA: BERTIE
HEN: BERTIE
J COLLETON
ARCH: HUTCHESON

AN ESTIMATE OF ARREARS DUE TO THE PROPRIETORS OF SOUTH
AND NORTH CAROLINA.

The Insurrection in South Carolina which began about the year 1718 hath not only interrupted all manner of Correspondence between the Prop^{rs} and that province ever since, but also had a considerable influence upon North Carolina and the Surveyors General having neglected their duty & made no returns as they ought to have done the Prop^{rs} have no Rent roll & consequently are not able to give a full account of their arrears due to them for which reason they begin their demands only from the year 1719 inclusive being nine years arrears which may be computed for both provinces at £800 per annum free of all charges in the whole amounting to 7200.0.0

Fines Set and collected in Governor Nicholsons time which belong of right to the Prop^{rs} and they are informed now are or lately were in the hands of Mess^{rs} Goden and Consiliere of South Carolina 500.-.-

The tenths upon Mines proposed to be wrought of which a Sample of the oare was sent over, they value at 1000.-.-

The tenths reserved upon the whale fishery in North Carolina granted four years ago which according to the Account received must have been considerable valued for the four years at 800.-.-

£9500.-.-

AN ACCOUNT OF THE SEVERAL CLAIMS UPON THE PROPRIETORS NOT
YET ADJUSTED

To the Crown for the quit rent reserved by the Charter of Carolina about	300.-.-
To the Secretary for his Arrears & disbursements	1039.7.1
To the Clerks	165.-.-
To several Solicitors Attorneys & Agents Council fees, fees in the several offices and other disbursements and for their trouble and pains for more than nine years	620.-.-
To Judge Trot his Salary for two years	200.-.-
To Mr Craven money advanced for the public Service	200.-.-
To ditto a present ordered by the proprietors upon his not returning to the Government in consideration of his good services during the time he served as Governor of South Carolina in defending the province and Repulsing the Indians	1000.-.-
To Mr Johnson for arrears of Salary after the people refused to pay their quit rents	400.-.-
To house rent where an Office was kept	400.-.-
To Extraordinary Charges and Gratifications	500.-.-
	<u>4827.7.1</u>

Signed

BEAUFORT
CRAVEN

JA BERTIE
HEN BERTIE

J COLLETON
ARCH HUTCHESON

N. B.

There have been no account settled between the Prop^{rs} and their Receivers for above ten years before the year 1719 from whence they now date the Estimate of their Arrears and it is adjudged if those those Accounts were regularly adjusted, there would be at least £6000 more due to the Prop^{rs}

It will also be necessary to observe that about the sum of £10000 sterling per ann is raised in South Carolina by dutys upon land Negroes and other Commodities appropriated for defraying the Expence of the Government which does not regularly amount to half that sum so that if it were duly collected and applyd it would not only supply what is necessary for the support of the Government but also afford an overplus for the general Improvement of the province

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 21st day of February A^{nno} D^{omi} 1727(8)

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{	William Reed	R Sanderson	}	Esq ^{rs} Members of Council
	C Gale	Tho ^s Pollock		
	E Moseley	John Palin		
	J Lovick	Edm ^d Gale		
	J Worley			

Read the Petition of William Reed J^r Shewing that sometime agoe his Father William Reed took up and Patented 280 acres of Land lying in Pasquotank w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Thomas Stamp shewing that his Father Richard Stamp sometime agoe obtained a patent for 100 acres of Land lying in Pasquotank w^{ch} is not seated as the Law directs therefore prays a Lapse patent may be granted him for the same

Ordered that a Petent Issue as prayed for

Read the Petition of Coll W^m Reed shewing that some time agoe Stephen Scott Sr and Francis Delamere obtained a patent for 400 acres of Land lying in Curratuck called the Broad neck at the mouth of North River which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a pat Issue as prayed for

Ordered that a New Commission of the Peace Issue for Chowan precinct directed to the old members and Thomas Parris

The Honoble the Governor having Informed this Board that he had been Traduced at home as a person Given very much to Drink he desired this Board to declare whither he had ever seen him in Publick the least disguised in Drink and they unanimously declared they did not

The Honoble the Governor having named Christopher Gale John Lovick Edward Moseley and William Little Esq^{rs} Commiss^{rs} for this Government for Settling the Boundaries and running the line between the Two Governments This Board Concurred therewith & desired his Hon^t to give proper Instructions to the Commissioners for facilitating

the work and particularly That an Instruction be prepared for settling the Titles of such Peoples' Land as are settled in this Government by Vertue of Verginia Grants or in Verginia by virtue of Patents from this Government and further that if the Gent appointed by the Government of Verginia from that Governm^t do not come into measures so as to make the people easy in their Titles that then the surveyor General be directed to forbear making any Entrys or surveys of Land that shall fall in this Government with Verginia Titles till this Board have considered of the same

The Honoble the Governor moving that Coll Thomas Harvey should be displaced from being Chairman of Perquimans Court This Board desired the matter might be respited till Coll Harvey appeared And the Debate was respited accordingly till the next sitting of the Board

William Little Esq^r Rec^r General produced his acco^{ts} before this Board And the same were Examined sworn to and allowed off and ordered to be Entered in the Council Journal

The Question being put whether the Assembly should be prorogued to a further day which was carryed in the affirmative And accordingly the Assembly is prorogued to the Second Tuesday in November next.

Ordered that a proclamation Issue accordingly

Ordered That the Receiver General pay to the s^d Co^mmiss^{rs} for their Charge and Trouble pursuant to such Instructions as shall be given by the Honoble the Governor to them

By order

J LOVICK Secty.

DR.	NORTH CAROLINA	THE LORDS		
To Ballance the last acco ^t in my favour w ^h was given in Sp ^r 1726	36	8	9	
To Sundry payments made the Honoble Sir R Everard Bar ^t Gov ^r &c to make up his salary to the 17 th of Jan ^{ry} 1726	348	10	—	
To Sundry Payments made to Chris Gale Esq ^r Chief Justice to make up his Salary to the 17 th Jan ^{ry} 1726	79	1	11	
To John Lovick Esq ^r Secty to make up his Salary the 24 th of Dec ^r 1725	13	15		
To Ballance of Coll Worley acc ^t p ^r order of Council	49			
To Edward Moseley Esq ^r Sur Gen ^l to make up his Salary to May 16 1727	32	15		
To the Attorney Gen ^l to make up his Salary to the 17 th Jan ^{ry} 1725	13	15		
To An Order from their Lordships to Coll Gale	143			
£ To my Comiss on £716. 5. 8 at £10, p ^r cent deducting the Commissions on the Ballanec of former Accounts	716	5	8	
	67	19	9	
£	784	5	5	

Errors Excepted
May 1727

WILLIAM

PROPRIETORS

ACCOMPT

CR

By Q ^t R ^a rec ^d myself Viz ^l			
Last year of Co ^{ll} Harvey	£6		
of M ^r Blount	3 3 6		
of John Gilbert	4 6		
of John Dew	1 15		
of Richard Holland	10		
		11	13
for the year ending September 29 th 1726 Viz ^l			
of Co ^{ll} Gale for M ^r Sanderson	£7 15 3		
of James Farloe	1 5		
of Tim ^o Jones	1 18 4		
		10	18 7
By Tho ^s Spires D mar ^l in Bertie prec ^t to Compleat } for the year Ending Sep ^t 1725 as th acco ^t clear of charges }		19	19
By E Howett Chowan prec ^t to Compleat his Acc ^t } Ending Sep ^r 1725 }		24	13 6
By J ^o Cotton D M in Bertie to Compleat his Acco ^t } Ending September 1725 }		6	18 6
By collections th Dan Guttery in Pasquotank End- ing September 1725		25	10
By John Hanson s Shore Chowan 2 years clear of Collections		56	18 3
By J ^o Darden in Bertie prec ^t in part of the year Ending September 1726		10	
By Tho ^s Spires in Bertie prec ^t in part for y ^e year Ending Sep ^r 1726		25	
By Con Luten in Bert prec ^t in part of y ^e year End- ing Sep ^r 1726		17	
By O Champion in Perquim ^a prec ^t towards the year Ending Sep ^r 1726		20	
By R Hicks Pro Mar Chowan towards the year Ending Sep ^r 1726		40	
By James Singleton Bath County towards the year Ending Sep ^r 1726		13	
By Sundry old arrears of Q ^t Rents and Purchase money rec ^d since the Last acc ^{ts} to this Date,		288	15
	£	570	5 10
Ballance of this Account in my favour in } advance for Their Lordships }		213	19 7
	£	784	5 5

Me this 20th day of
LITTLE Rec^r Genⁿ

DR

N^o CAROLINA

THE LORDS

To Ballance Last Acco ^t Given in May y ^e 20 th 1727 £	213	19	7
To Sir R Everard Bar ^t Gov ^r to Compleat his salary to the 17 th day of July 1727 being Two years since his arrival	150	—	—
To Chris Gale Esq ^r to compleat his Salary as Chi Just till 17 th July 1727	30	—	—
To John Lovick Esq ^r Sec ^{ty} to make up his Salary from 24 th Dec 1725 to the 24 th Dec 1726	40	—	—
To Mr President Reed old Arrear of his Salary Viz ^t In the whole £210 — — p ^d before 38 — —	172	—	—
To Coll Moseley Survey ^r Gen ^l his Salary from 16 th of May 1727 to 16 th of Nov ^r 1727	20		
To the Atto Gen ^l from the 17 th Jan ^{ry} 1725 to the 17 th Jan ^{ry} 1726	40		
P ^d the Rec ^r Gen ^l from Jan ^{ry} 17 th 1725 to Jan ^{ry} 17 th 1726	20		
To Edward Howcot for Going to Verginia ₤ order	4		
To Edward Howcott Messenger ₤ order	10		
	£ 699	19	7
To my Commission at £10 ₤ cent on £486 amounts to	48	12	
	£ 748	11	7

Errors

₤ WILLIAM

PROPRIETORS	Acco ^t	CR		
By old arrears of Q ^t Rt ^s & Purchas ^d money rece ^d to Aug ^t 2 ^d 1727	£	79	17	
By Do more Collected from that time to Nov ^r 20 th 1727		129	15	
By Orlando Champion to Compleat his Acco ^t of Perquimons Collections clear from the Year Ending September 1726		22	10	4
By Con Luten to Compleat his acco ^t for his part of Bertie Clear Ending Sept ^r 1726		6	16	
By Dan ^l Guthery his Collections for Pasquotank Ending Sept ^r 1726 clear of Collections		40	7	
By Robert Hicks to Compleat his acco ^{ts} of N ^o Shore in Chowan prect Ending Sep ^r 1726 clear of Collections		16	5	10
By Joseph Darden to Compleat his Collections for the year Ending Sept ^r 1726 his part of Bertie Clear		29	19	
By Tho ^s Spire his part of Bertie compleated to Novem ^r 1726		84	7	10
By Geo Powers Curratuck for the years 1726 & 1727		67	14	—
By Coll Reed Discounted in his arrears of Q ^t Rents paid		10		
By Escheat money of Old Mrs Farloe		1	12	6
By Escheat money of M ^r Leigh		3	13	
By James Singleton more in Bath County as \pounds acc ^t		4	5	1
		497	2	7
By Ballance due I am in advance for the Lords overpaid what rece ^d to the 20 th of Nov ^r 1727		251	9	—
		748	11	7

Excepted

LITTLE Rec^r Gen^l

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 22^d day of April 1728

Present

The Honable Sir Richard Everard Bar^t Gov^r &c

Chris Gale	F Foster	} Esq ^{rs} Members of the Council
J Lovick	T Harvey	
E Moseley	E Gale	
J Worley		

The Commissioners for running the line laid before the Board the Journal of their proceedings with the Plan of the Dividing Line between the Two Governments from Curatuck Inlet to a station upon Maherrin River where they left off which having been Read This Board approved thereof and Ordered the same to be Recorded in the Council Journal and that a copy thereof be forthwith Transmitted to the true and Absolute Lords Prop^{rs} And it is further ordered that Copies of the said Plan of the Line be Registered in each and every of the preeinct Courts in Albermarle County

The Reciever General Informing this Board that he had not monies in his hands sufficient to answer the Draughts that was made upon him to Defray the charges of the Commiss^{rs} and others Employed in settling the Boundaries which this Board taking into consideration Doe hereby order the Reciever General to dispose of and sell so much of their Lordships Lands as will defray all the Charges in running the Line

▲ JOURNAL OF THE PROCEEDINGS OF THE COMISS^{rs} FOR RUNING THE
LINE BETWIXT CAROLINA AND VERGINIA

The Boundaries betwixt the Two Governments haveing been long contested it being uncertain what was meant by Curratuck River or Gullet in the Kings charter and more disputed which was Wyanoke Creek The line being to begin at the North End of Curratuck river or Gullet but there was no River known by that name Curratuck being a large Bay Extending Northerly and Southerly of the Inlet and the North End of it above a Dozen miles to the Northward of the Inlett where the Line ought to have begun if by the river or Gullet was meant the Bay but that not having been duly insisted on, The Inlett in time began to be

Reputed the Bounds and the Northwest River and Channell up to it was acquiesced in as natural bounds which left all Notts Island in Virg^a to the southward of the Inlet, But the Governor of Verginia afterwards granted Patents to the southward of the said River where they thought it to the northward of a west line from the Inlett Viz^l towards the head of the River up to the Dismall or the great Percosan on the westerley of which Pacosan the bounds remained unfixed and great Debates were about Wyanoke Creek to which the line was to Run the Grovernm^t of Verginia pretending it was a Creek since called Wiccons and Carolina Claiming to be a place called Nottoway Comissioners were appointed by both Govern-ments to settle the matter and Depositions taken on both sides concerning the Wyanoke Indians who at Different times lived at both places but no satisfaction being that way obtained and the observations made to find the Latitude differing as widely The Verg^a Commiss^{rs} making the Latitude of Wiccons to be in $36^{\circ} 40'$ and Nottaway to be 37° or $37^{\circ} 10'$ this Egregious Error (as since it is Demonstrated to be) broke off the conference not without some warmth and undue Reflections made on it by Verginia And sometime after the Two Governors Viz^l Coll Spotswood Lt Gov^r of Verginia and Coll Eden Governor of Carolina had an Interview upon it meeting at Nansemond and agreed on certain Proposals about the Boundaries which was Interchangeably signed and submitted to his Majesty for His Royall approbation and the True and Absolute Lords Proprietors for their assent which being duly considered of by the Lords Proprietors was approved and orders sent over by them in the year 1723 to the Governor of Carolina to proceed and run the line pursuant to the said Proposals of which Notice being given to the Governm^t of Verginia They returned for answer That they had not recieved the Kings Instructions about it and so the matter rested till the year 1727 when the Hon-oble Sir Richard Everard Bar^t Gov^r of Carolina reced a Letter from the Gov^r of Verginia acquainting him that he had reced orders from the King to have the line run betwixt the Two Governments and had appointed Coll Byrd and Colonell Harrison Commiss^{rs} on the part of Verginia to Joyn with Commiss^{rs} to be appointed by Carolina desiring a time might be prefixed agreeable to both sides and Inclosed a Copy of the Proposals agreed to betwixt the two Governors & His Majesties approbation and orders thereon in Council as followeth viz^t

At y^e Court of St James the 28th day of March 1727

Present

The Kings most Excellent Majesty

L ^d Arch B ^{pp} of Canterbury	Duke of Ancaster
L ^d Chancellor	Earle of Berkeley
L ^d Arch B ^{pp} of York	Earle of Southeland
L ^d Privy Seal	Earle of Findlater
L ^d Chamberlayne	Earle of Lowdon
Duke of Argyle	Earle of Marchmont
Duke of Bolton	Earle of Stair
Duke of Montross	L ^d Vis ^{et} Townshend
Duke of Kent	L ^d Vis ^{et} Landsdale
Duke of New Castle	L ^d Vis ^{et} Cobham
L ^d Vis ^{et} Falmouth	
L ^d Vis ^{et} Harcourt	
L ^d B ^{pp} of London	
L ^d Carteret	
M ^r Treasurer	
L ^d Finch Controler	
L ^d Chief Justice Raymon	
M ^r Vice Chamberlayne	
Lieut ^t General of the Ordnance	

Whereas it hath been represented to his majesty at this Board that for adjusting the disputes which have subsisted for many year past between the Colonies of Virginia and North Carolina concerning their true Boundaries the late Governors of the said Colonies did some time since agree upon certain proposalls for regulating the said Boundaries for the future to which proposalls the Lords Proprietors of Carolina have given their assent And whereas the s^d Proposals were this Day presented to his Majesty as proper for his approbation His Majesty is thereupon pleased with the advice of his privy Council to approve of the said Proposals (a copy whereof is hereunto annexed) And to order as it is hereby Ordered that the Governor or Comand^r in Chief in the Colony of Virginia do settle the s^d Boundaries in Conjunction with the Gov^r of North Carolina agreeable to the said Proposals

EDWARD SOUTHWELL

A true Copy WILL ROBERTSON Cler Con

PROPOSALLS FOR DETERMING THE CONTROVERSY RELATING TO THE BOUNDS BETWEEN THE GOVERNMENTS OF VERGINIA AND NORTH CAROLINA MOST HUMBLY OFFERED FOR HIS MAJESTY ROYALL APPROBATION AND FOR THE CONSENT OF THE RT HONOBLE LORDS PROPRIETORS OF CAROLINA

Forasmuch as the dispute between the s^d Two Governments about their true limits continue still notwithstanding the several meeting of the Comiss^{rs} and all the proceedigs of many years past in order to adjust that affair and seeing no speedy determinations like to Ensue unless some medium be found out in which both parties may incline to acquiesce Wherefore both the underwritten Governors having met and considered the Prejudice done both to the King and the Lords Proprietors Interest by the continuance of this Contest and truly endeavouring at a Decission which they Judge comes nearest the Intentions of the Royall Charter granted to the Lords Proprietors Do with the advice and consent of their respective Councils propose as followeth.

That from the mouth of Curratuck River or Inlett and setting the Compass on the North shore thereof a due west Line be run and fairly marked & if it happen to cutt Chowan River between the mouths of Nottoway and Wiccons Creek then shall the same direct course be continued towards the Mountains and be ever deemed the dividing line between Verginia and Carolina.

That if the s^d west line cutts Chowan River to the southward of Wiccons Creek then from that point of Intersection the Bounds shall be allowed to continue up the middle of s^d Chowan River to the middle of the Entrance of unto the s^d Wiccon Creek and from thence a due west Line shall divide the Two Governments.

That if the said west Line cutts Blackwater River to the Northward of Nottoway River then from that point of Intersections the bounds shall be allowed to continue downe the middle of the s^d Blackwater River to the middle of the Entrance into the s^d Nottoway River and from thence a due west Line shall divide the said Two Governments.

That if a due west Line shall be found to pass thro Islands or to cutt out small slips of Land which might much more conveniently be included in the one Province or other by natural water bounds In such case the Persons appointed for running the Line shall have power to settle natural bounds Provided the Comiss^{rs} of both sides agree thereto and that all Variations from the west Line be punctually noted in the mapps and

Platts which they shall return to be put upon the record of both Governments all which is humbly submitted by

Signed

CHARLES EDEN
A SPOTSWOOD

Copy

The Governor of Carolina on the receipt hereof was pleased to Nominate Christopher Gale Esq^r Chief Justice John Lovick Esq^r Secretary Edward Moseley Esq^r Survey^r Gen^l and William Little Esq^r Rec^r General to be Commiss^{rs} on the part and in behalf of this Government of North Carolina and on the sixth day of December returned an answer to the Governor of Virginias Letter acquainting him who he had appointed Commiss^{rs} on the part of Carolina And that it was desired there might be a previous Conference between the Commiss^{rs} at such time and place as the Virginia Commiss^{rs} would appoint to meet to fix the method of proceeding to agree in their Instruments and to remove any obstacles or disputes that might Retard the matter or create any Difficulties To which Governor Returned the following answer

WILLIAMSBURG Decem^r 15 1727

I should have sooner dispatched your messenger and acknowledged the favour of yours of the sixth Instant had not the Court of Oyer and Terminer which met on monday last prevented till yesterday the meeting of the Council to whom I found it necessary to communicate the proposalls you was pleased to mention In answer to which I am now to tell you that we dont think a previous Conference needfull since the proposalls for determining the Boundaries approved by his Majesty and agreed to by the Lords Prop^{rs} as so plain as to admit of no grounds for dispute nor the Commiss^{rs} any room for altering the rules therein prescribed but it is agreed that whatsoever shall be necessary for Enabling the commiss^{rs} to proceed on their business may be concerted by Letters to which purpose Your Commiss^{rs} will Recieve by this conveyance from Ours what they Judge fit to be agreed upon for the better carrying on the Service The Death of Coll Harrison has occasioned a new nomination to supply his place so that I have appointed Richard Fitzwilliams and William Dandridge Esq^{rs} Joyntly with Coll Boyd to be Commiss^{rs} on the part of this Government and its agreed that they shall be ready at the mouth of Curatuck Inlett on the fifth day of March next which I hope will suit the conveniency of your Commiss^{rs} being as early as the season of the year will admitt I have only to add my wishes for a happy Issue to this controversy to the mutual satisfaction of both Governments and am with great truth Sir Richards most faithfull & most humble Serv^t

WILLIAM GOOCH

At the same time was sent by the Commiss^{rs} on the part of Verg^a to the Carolina Commiss^{rs} the following Letter Vizt

VERGINIA December 16th 1727

Gent

We are sorry we cant have the pleasure of meeting you in Jan^{ry} next as it is desired by your Governors Letter The season of the year in which that is proposed to be done and the distance of our habitations from your Frontiers will make our Excuse Reasonable besides his Majesties orders mark out our business so plainly that we are perswaded there can be no difficulty about the constr^uction of it, after this what imaginable dispute can arise among Gent who meet together with minds averse to chicane and with Inclinations to do equal Justice both to his Majestys and the Lords Proprietors in which dispositions we no doubt commiss^{rs} on each side will find one another We are fully Impowered to agree at our first Meeting on what preliminaries shall be thought necessary which we hope you will likewise be, that an affair of so Great consequence may meet with no Delay or disappointm^t We think it very proper to acquaint you in what manner we intend to come provided, that so you being appointed in the same station, may if you please do the same Hon^r to your Country We shall bring with us about Twenty men furnished with Thirty days provision we shall have with us a Tent and Marques for the convenience of ourselves and our Servants. We bring as much wine and rum as will enable us and our men to drink every night to the good Success of the following day And because we understand there are many Gentiles on the frontier who never had opportunity of being Baptized we shall have a Chaplain wth us to make them Christians, for this purpose we intend to rest in our Camp every Sunday that their may be Leizure for so good a work and whoever in that Neighbourhood is desirous of Novelty may come and hear a sermon Of this you may please to Give publick notice that the Charitable intentions of this Governm^t may meet with the happyer Success Thus much Gent we thought it necessary to acquaint you with and to make use of this first opportunity to signify with how much satisfaction we rec^d the News of your being appointed Commiss^{rs} for that Government with whom we promise ourselves that we shall converse with a great deal of Pleasure and execute our comissions to the full content of those by whom we have the Hon^r to be Employed. We are Gent your most humble Serv^{ts}

W BYRD

R^d FITZWILLIAM

W DANDRIDGE

Upon receipt of these Letters the thoughts of any conference was dropt which was desired principally to have concerted some way that People might not Loose their Lands by falling in a Different Government from that they had gotten Patents in it being taken for granted in Verg^a that the Line would take in a great deal of Carolina unto Verginia and credibly reported that several Entries were made there of Peoples Lands in Carolina when they should fall into Verginia to obviate which if it should happen so and to have their Sentiments and resolutions upon it before hand in case the contrary should happen The Gov^r of Carolina at the request of the Comissioners wrote to the Gov^r of Verginia the following Letter in January

Sir

Your favour of the 15 of December I rec^d not till since Christmas you think the proposalls agreed to already so plain and full as to need no previous Conference only what may be managed by Letter And tho I think the proposalls plain yet it was impossible to provide in every point I thou^t it better previously to concert the manner of proceeding As I am extremely desirous the work should be Effect^d so I would gladly have all obstacles removed but as I am informed the Commiss^{rs} on your side will come Sufficiently impowrd to agree at their first meeting on such Preliminaries as will be necessary so I shall take care to give Instructions as full By this occasion the Gent appointed for this Government will write to your Commiss^{rs} so I shall need say the less but there is one thing I cannot in Justice omit mentioning to you I am told several People have been Endeavouring to Enter Lands already seated by Verginia Patents if they should fall with in this Government and on the other hand the like attempts made there but as it is a thing against all Justice that People should be turned out of their houses and Lands for falling unexpectedly on one side of the Line or other without any preference to them I doubt not a Gent so disinterested and of so much candour & Justice will agree with me before hand to settle that point and not leave it to the poor People afterwards to seek redress against such Exorbitant attempts. I therefore beg the favour of your answer fully and plainly to it by this Messenger, for my part I have heard what pretences may be made about it but I think a matter so manifestly against right and com^{on} Justice cannot be Palliated by any pretences and therefore am so urgent now in time to prevent what may Else occasion so great Dusp^{tes} afterwards and doubt not you will concur with me in my Sentiments so that this may be a final End to all disputes about our boundaries both to the

Publick and private Persons which I shall think myself happy in Compleating and Doubt not that you have the same Just Desire & therefore think we Cant disagree in it and hope we shall always have a perfect harmony and good understanding I shall with the greatest pleasure Embrace all opportunity to Cultivate and maintain it I am &c

R EVERARD

At the same time the Commiss^{rs} of Carolina wrote to the Commiss^{rs} of Ver-
gin* the following Letter viz

Gent

We have the hono^r of your favour from Williamsburg the 16 Dec^r in which you signify the proposalls agreed to are so plain that you are persuaded there can be no Difficulties arise about the construction of them we think so too if no disputes should arise in construing them yet the manner of our Proceeding in the Executing them we thought had better been previously concerted and the end of the meeting we proposed was to remove every thing that might lay in the way to retard the work which we seem all Equally Desirous to have amicably Concluded. We assure you Gent we shall meet you with a hearty Disposition of doing equal Justice to either Government and as you acquaint us you shall come fully Impowered to agree at Our first meeting to settle all necessary preliminaries we shall endeavour to have Our Instructions as Large Your Governor in his Last L^r to Ours was pleased to mention our conferring with you by Letter any matter previously to be adjusted We therefore take Leave to desire you will by this Messenger let us know after what manner you propose to run the Line wither you think to go thro the Dismall which is near 30 miles thro' and thought not passable or by taking the Lattitude at the first station to run a due West Line to the Swamp and to find the same Latit^d on the West side of the Swamp and to continue a Due west Line to Chowan River or to make the second observation on Chowan River and run a due East Line to the great Swamp. We shall also be glad to know what Instruments you intend to use to observe the Lattitude and find the Variation of the Compass with in order to fix a due west Line for we are told the Last time the Commiss^{rs} met their Instruments varied several minutes which we hope will not happen againe nor any other Difficulty that may occasion any Disappointment or delay after we have been at the trouble of meeting in so remote a place and with such attendance and equipage as you Inform us you intend on your parts, tho' we are at a Loss Gent whether to thank you for the particulars you give us of your Tent Stores and the manner you design to meet us, Had you

been Silent about it we had not wanted an Excuse for not meeting you in the same manner but now you force us to Expose the nakedness of our Country and to tell you we cant possibly meet you in the manner our great respect to you would make us glad to do whom we are not Emulous of outdoing unless in Care & Diligence in the affair we come to meet you about So all we can answer to that article is that we will Endeavour to provide as well as the Circumstances of things will admit us and what we may want in necessities we hope will be made up in the Spiritual Comfort we expect from your Chaplian of whom we shall give notice as you desire to all Lovers of Novelty and doubt not of a great many Boundary Christians To conclud Gent we promise you to make Ourselves as agreable to you as possibly we can and we begg Leave to assure you that it is a singular Pleasure to us that you are named on that part to see this business of so great concern & Consequence to both Governments Determined which makes it to be undertaken on our part more cheerfully being assured Gent your Characters are above any artifice or design

We are &c

C GALE
J LOVICK
E MOSELEY
W^m LITTLE

In this Letter the Commiss^{rs} of Carolina tooke care to mention the allowance for the Variations of the Compass as a thing taken for granted and not Disputable tho it was much feared it would be and was one Reason for desiring the previous conferance to agree about, without which the Line would have run to the Southward of a due west Line and so to the Loss of Carolina and was a point of Two much consequence to leave wholly till the Commiss^{rs} met on the Spot and this Letter had its desired Effect for it brought on the matter to be debated by the Governm^t of Virginia and finding Carolina to take it as not disputable they thought it too unreasonable to deny and ordered the Comission to be made accordingly as will be seen in their Commission Sometime after the Gov^r of Virginia wrote to Sir Richard Everard the following Letter viz^t

WILLIAMSBURG Janry 22^d 1727^g

Sir

I reced last night by the hands of your Messenger the favour of one of yours without date containing a proposall which seems to Import an Implicit Confirmation of all the Possessions in the controverted bounds without allowing time for Examining the Title by which they are held

This is a thing never before moved in all the negotiations between the Two Governments concerning the Boundaries Wherefore you will not think it strange if I take time to consider of a Project so new and unexpected for what ever compassion may be due to the poor People who have ignorantly taken up Lands in those parts you will no Doubt allow there is a Justice due to the King which I cannot without his Majesties Leave give up And I believe it will be found necessary to distinguish between the People that have unwarily been Led into a mistake and others who in contempt of Authority have taken possession of Lands to which they never had any pretence of Right but all these pretensions of the present Possessors will be best determined in the natural order in which they ought to come under Consideration that is first by settling the Boundaries that it may be known to which Province the Lands belong and then it will be proper to consider the Equity of the People in Possession who I hope have no Reason to Doubt the Justice of either Governm^t whatever those pretences are which you say may be sett up against comon Right and Natural Equity for I am well satisfyed no such pretences will have any Countenance here Indeed when I consider the Solemn Engagements of both Governm^{ts} that no Lands should be granted within the Controverted bounds until the final determination thereof and observe how strict the orders of this Governm^t have been in that point I cannot without Laying a heavy Imputation on North Carolina (which I am unwilling to do) Suppose there are in those bounds any number of People in the Circumstance you represent. However it seems to me a preposterous undertaking for you and I to busy ourselves in the dissension of a matter which perhaps may never come in Question at least appear very uncertain until the Comiss^{rs} have made there report and for my owne part I ffreely declare I am not for taking a trouble upon me untill I see it necessary for a publick good and I'm apt to think you will upon further Consideration incline to the same opinion To conclude Sir, Lett us give all the Dispatch we can to what our Superiors had recommended to us, the settling the boundaries which is of Publick concern and I hope we shall not then disagree about private Interests Such a regularity in our proceedings without suffering private concerns to mix with or obstruct the publick utility will be the surest means to preserve a perfect Harmony between the Two Governments to which I shall be allways ready to contribute my best Endeavours and more particularly to give you proof of the respect with which I am

Your Most Obed^t &c

WILLIAM GOOCH.

This Letter from the Governor of Verginia shewed how ill the proposall was Relisht there and tho the Charge in it might be easily obbiated and the Letter Retorted since the pretended agreement which is called the Solemn Engagement of both Governments was so long agoe that both side had gone from it The officers here declaring Verginia had first broken through it and tho the Letter would put off the matter by not mixing private concerns with publick as its Term^d as tho that was not a publick thing too, yet it was plain that the Justice due to the King as its called, was the point fixed on that is, if it fell into Verginia it was the Kings Land and still at his Disposall and it was plainly seen to be in Vain to insist further on it and the time for the Comiso^{rs} meeting drawing nigh there was no room for any further conference till they meet who reced too at this time a Letter from the Comissioners of Verginia of a Different Strain in very oblidging terms as to the business proposing in it if the Dismal could not be passed thro to make a traverse round but submitted it and that they designed to take the Variation of the Compass from the North Starr and giving assuring of a good harmony and perfect agreement & concluded with a great deal of good humour and Complacence but what was most satisfactory was to find they seemed to have given up the point of the Variation willing to allow it so all things was prepared for the progress And the following commission and Instructions was given by the Gov^r of Carolina to the Comissioners Vizt.

NORTH CAROLINA—SS.

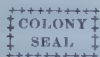
Sir Richard Everard Bar^t Governor Captain General Admiral and Comander in Chief of s^d Province

To Christopher Gale Esq ^r Chief Justice John	} Greeting
Lovick Esq ^r Secretary Edward Moseley Esq ^r	
Sur General and William Little Esq ^r Attorney	
General	

Whereas many differences have formerly been between the Inhabitants of this Province and those of his Majesties Colony of Verginia concerning the Boundaries and Limits between the said Two Governments which having been duly considered by Charles Eden Esq^r late Governor of this Province and Alexander Spotswood Esq^r late Gov^r of Verginia they agreed to certain proposalls for Determining the said controversy and humbly offered the same for his Majesties Royall approbation and the consent of the true and absolute Lords Proprietors of Carolina and his Majesty having been pleased to signify his Royall approbation of those proposalls (Consented to by the true and Absolute Lords Proprietors of Carolina) and given directions for adjusting and settling the said Boundaries as near as may be to the said proposall.

I therefore reposing special Trust and Confidence in you the said Christopher Gale John Lovick Edward Moseley and William Little Do by and with the advice and consent of the Council of this Province authorize and appoint you the said Christopher Gale John Lovick Edward Moseley & William Little to be Commiss^{rs} on the part of the True and absolute Lords Proprietors of Carolina And that you in Conjunction such Commiss^{rs} as shall be nominated for Verginia use your utmost Endeavours and take all necessary care in adjusting and settling the said Boundaries by drawing such a Distinct Line or Lines of Division between the said Two Provinces as near as reasonably you can to the said Proposals made by the Two former Governors and the Instructions herewith given you

Given at the Council Chamber in Edenton under my hand and the Seal of the Colony this 21st day of February Anno Dom 1727. And in the first year of the reign of King George the Second



Signed

RICHARD EVERARD

NORTH CAROLINA—SS.

“Sir Richard Everard Bar^t Governor Cap^t General Admiral and Commander in Chief of the s^d Province

Instructions to Chistopher Gale Esq^r Chief Justice John Lovick Esq^r Secretary Edward Moseley Esq^r Survey^r Gen^l and William Little Esq^r Attorney General Commissioners for settling the Bounds and Running the Line between this Government and the Colony of Verginia.

Gentlemen

1st You herewith recieve a Comission for Settling the Boundaries and running the Line line betwixt this Government and Verginia in conjunction wth the Commiss^{rs} appointed in behalf of that Government & for your Direction therein I have Ordered to be delivered you a Copy of the proposalls agreed on between the Two Governm^{ts} which having passed the Royall approbation and had the consent of the True and absolute Lords Proprietors of Carolina you are strictly to Regard & pursue

2^{dly} For your assistance in Executing y^r Comission you are to take with you such Surveyers and other assistance as you shall think necessary

3^{dly} You are to take particular care that the Instruments to be used on the part of this Government as well as those on the part of Verginia are correct and fit for the service and particularly you are to be very carefull that the Compass to be used for running the due west Line have no Variation but if on Tryall thereof the same shall be found to have Variation you are then to have the same Rectified and allowance to be made for the Variation so that a due west Line may be Run & Marked

4^{thly} If on Tryall there shall appear to be any Variation in the Compass and the Commiss^{rs} on the part of Verginia Refuse to make due allowance for the same so that it shall appear to you the division line to be run thereby will not be a due West Line in such case you are to show to the Commiss^{rs} on the part of Verginia your Dissent to such Proceedings and having protested against the same in Form (which you are hereby required to Do and to Deliver a Copy thereof unto them) you are thereupon to forbear acting any further in Concert with the said Commiss^{rs} and to make a very Early Report to me of such your Dissent and Protestation and if any orther Differences should arise that you cannot accomodate you are also to shew your Dissent by Protesting and giving a Copy thereof to the Commiss^{rs} on the other parte and to enter the same on your Journals and acquaint me as soon as may be therewith.

5^{thly} It is certain that in the way a due west Line from the first station there is a very large Swamp Judged to be Thirty miles wide and not to be passed without the utmost Difficulty and very great expence It is left to you to concert with the Verginia Comiso^{rs} the most proper measures to run the due west Line through that swamp if it shall be Judged practicable or otherwise having found the Latitude of the first station you are afterwards to find the same Lat on the west side of the swamp and from thence to continue a due west Line or after such other manner as shall be agreed on by you and the Verginia Commiss^{rs}

6^{thly} The council having agreed that a handsome allowance should be made the Commiss^{rs} for their Trouble and Defraying the necessary charges and that I should give orders to the Reciever General for such sums of money as shall be necessary to defray the Charges & for your owne Trouble the same allowance that is made by the Gov^r of Verginia to their Commiss^{rs} which the Reciever General is hereby directed to pay accordingly

7^{thly} You are to keep an exact Diary or Journal of all your proceedings in the Execution of your Comission which you are to lay before me and the Council with all convenient speed that the same may be Transmitted to the True & absolute Lords Prop^{rs} of Carolina

8^{thly} Whereas upon your running the Line it may happen that Lands taken up in Verginia may fall into this Government and Lands taken up here may fall within that Government and the Governor of Verginia not having consented previously to settle that Point so as private properties may not be Effected by Running the Line your are not only to make a plann or Draught of the Boundaries settled but you are particularly to take an acco^t of all Lands Surveyed and taken up by any under the Government of Verginia that shall fall within this Government and not to suffer any new Entries to be made on such Lands till the matter shall be laid before me in Council or in case you shall find the Comissioners for Verginia Impowered to settle that matter then you are likewise Authorized so to do and are hereby Impowered to Directed to adjust settle & agree with the Commiss^{rs} of Verginia in the best method you can that no private property be affected by settling the Boundaries but that their Rights remain good let them fall on the one side of the line or the other

9^{thly} This affair of so great consequence to both Governments I have thought fit (with the advice of the Council) to Entrust you with in the most full and ample manner and as you are all of you Gentlemen that the Lords Proprietors have thought proper to be Entrusted with their imediate Comission for Executing several offices of the greatest concern to them and their province I doubt not but you will have a just regard to their Interest and that the Division Line may be truly made out conformable to proposalls herewith delivered on the part of both Governments I shall therefore Refering myself to them have no further necessity to Enlarge to you on this occasion but to leave this affair wholly to you in the most ample manner it can be as it is by your Comission and these Instructions Declared to be done and the said proposalls agreed on altho the same should Require more full authority then is herein expressed.

Given under my hand and the seal of the Colony at Edenton the 28th day of February A^{nno} D^{omi} 1727

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+ COLONY +
+ SEAL +
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RICHARD EVERARD

On the last of February the Commiss^{rs} set off and met the Verginia Commiss^{rs} at Curratuck the fifth day of March at the Inlet but some being prevented by the Weather nothing was done that day but at night the Variation was taken by the North Starr Vizt when the North Starr and 4th in the great Bear come on the meridian together or on a perpendicular

which was done by a Line hanging Perpendicular at the end of a Pole and a moveable Light at Some distance on the ground to range at at the same time in the line and afterwards that light remaining fixed and the perpendicular line set by the compass and the Variance of that from the Needle is the Variation which was found about 3° and the Sun's amplitude the next morning made it much the same and so again when the north Star was observed the second night so that was agreed on to be the Variation of the Compass the Latitude too was observed and found to be about 36° and 31^m

Wednesday March the Sixth

The Commissioners on both sides being now present Viz^t

For Carolina	{	Col Gale	Col Byrd	}	for Verginia
		Col Lovick	Col Fitzwilliam		
		Col Moseley	Col Dandridge		
		Col Little			

The Commissions on both sides being opened and Read and that to the Comiss^{rs} of Carolina refering to their Instructions the Comiss^{rs} of Verginia desired to hear those Instructions but it was answered them That there was but Two things in them that at this time referred Immediatly to them, the one was previously to have Settled the point of private properties not being injured by runing the Line but as to that their Commission was a full answer directly forbidding them to inter meddle with it and the other was about allowing the Variation of the Compass which they had acceeded to in their Commission and so needless to shew them and as to any thing further if necessary in the course of our proceedings should shewn to them Then it was desired by the Commissioners of Carolina that that copies of the Comissions might be Interchanged which was agreed to and a Copy of the foregoing Comission to the Comiss^{rs} of Carolina was granted to the Commission^{rs} of Virg^a & a Copy of the Verginia Comission given to those of Carolina which was as followeth Viz^t

George the Second by the grace of God of Great Britain ffraunce and Ireland King Defender of the ffaith.

To Our Trusty and well beloved William Byrd Richard Fitzwilliam and William Dandridge Esq^{rs} Members of our Council of our Colony and Dominion of Verginia Greeting

Whereas Our Late Royall Father of Blessed memory was gratically pleased by order in his privy Council bearing date the Twenty Eighth day of March One Thousand Seven hundred and Twenty Seven to approve of certain proposals agreed upon by Alexander Spotswood Esq^r

late Lieut Gov^r of Virginia on the one part and Chareles Eden Esq^r late Gov^r of the s^d Province of North Carolina for Determining the controversy relating to the bounds between the s^d Two Governments and was further pleased to direct and order that the said Boundaries should be laid out and settled agreeable to the said Proposals

Know yee therefore that we reposeing Special Trust and Confidence in your ability and Provident Circumspection Have assigned Constituted and appointed and by these presents Do assign Constitute and appoint you and every of you Joyntly Severally Our Commissioners for and on behalf of our Colony of Virginia to meet the Comissioners appointed or to be appointed on y^e part of North Carolina and in conjunction with them to cause a Line or Lines of Disvision to be run and marked to divide the said Two Governm^{ts} according to the Proposals aforementioned and the order of our late Royall Father copies of both w^{ch} you will herewith receive And we do further Give and grant unto you (or in case of the Death or absence of any of you) such of you as shall be present full power and authority to Treat & and agree with the said Comission^{rs} of the Province of North Carolina on such rules and methods as you shall judge most Expedient for the adjusting and finally Determining all Disputes or Controversies which may arise touching any Islands or other small slips of Land which may happen to be intersected or cutt out by the said dividing Line aforesaid and which may with more conveniency be included in the one Province or the other by natural water bounds agreeable to the proposals aforementioned and Generally to Do and Perform all matters and things requisite for the final Determination and Settlement of the said Boundaries according to the said Proposals And to the End our Service herein may not be disappointed through the refusal or Delay of the Comiss^{rs} for the Province of North Carolina to act in Conjunction with you in settling the Boundaries aforesaid we do hereby Give and Grant unto you or such of you as shall be present at the time and place appointed for runing the Dividing Line afores^d full Power and authority to cause the said Line to be run and marked out conformable to the said proposals having due regard to the doing Equal Justice to us and to the Lords Proprietors of Carolina, any refusal and disagreement or opposition of the s^d Comiss^{rs} of North Carolina notwithstanding and in that case we hereby require you to make a true report of your Proceedings to our Lieut^t Gov^r or Comand^r in Chief of Virginia in order to be laid before us for our approbation and final Determination therein and in case any Person or Persons whatsoever shall presume to Disturb Molest or resist you or any of the Off^{rs} or Persons by your direction in

runing the said Line & executing the Powers herein Given you we Do by these presents Give and grant unto you or such of you as shall be attending the Service aforesaid full Power and authority by warr^t under your or any of your hands to order and command all and every the Militia Officers in our County of Princess Ann Norfolk Nansemond Isle of Wight or other the adjacent Counties together with the Sheriffs of each of the said Counties or either of them to raise the Militia and *Posse* of the said severall Counties for the removing of all force and opposition which shall or may be made to you in the due execution of this our Comission and we do hereby will and require as well the Officers of the s^d Militia as all other our Officers & Loving subjects within the said Counties and all others whom it may concern to be obedient aiding and assisting unto you in all and Singular the Premisses And we Do in Like manner command and require you to cause fair Maps & Descriptions to be made and returned to our Lieuten^t Governor or Comander in Chief of our said Colony for the time being in order to be entered upon record in the proper Offices within our said Colony Provided you do not by Colour of this our Comission take upon you to Treat of or Determine any private mans property in or to the Lands which shall by the said Dividing Line be included within the Limits of Virginia nor of any other matter or thing that doth not relate imēdiately to the adjusting settling and finall Determination of the boundaries afores^d conformable to the proposalls herein before mentioned and not otherwise Witness our Trusty and well beloved William Gooch Esq^r our Lieutenant Governor and Commander in Chief of our Colony & Dominion of Virginia under the seal of our said Colony at Williamsburg the 14th day December One Thousand Seven hundred and Twenty Seven in the first year of our Reign

WILLIAM GOOCH

Copy

W BYRD

R FITZWILLIAM

W DANDRIDGE

There was also a Debate at this conference about the first Station to Sett off at, the place being a Little altered since the proposalls were made So Depositions were taken of the neighbouring People. Thursday March 7—A Cedar post was fixed in the sand on the North side of the Inlett for the first Station and a due west Line Sett out Viz^t by the Compass No 87 w and that day the Line was run as far as Notts Island about 20 Rodds to the Northward of Wickers House and so cross the Island to the marsh leaving about Three hundred and fifty acres Upland

of the Island in Verginia and Two Families, the rest of the Island taken into Carolina which is about five miles long and also Jones's Island Joyning to it which contains about Two Thousand Acres and about half a Score of Families thereby taken into Carolina that before were in Verginia. Fryday March 8th This day the Line was run from Notts Island thro the marsh and a part of Back Bay to the main Leaving a Little of the marsh to the Northward but the greatest part taken into North Carolina. Of which, tho some Thousands of Acres, little Surveyed, as could be Learned, only some by Capt White and about five hundred and forty acres by Mr Morse. The main here is a point of Land made by Back Bay and North River being about a mile & half over and the way cut by the Line near Two miles from the End of the Point leaving about five or Six families to the Southward that had been reputed Verginian. Saturday March 9th The Line was continued across the Point of Princess Anne County Striking North River to Northward of Richard Eislands house; crossed the river and a great Body of marsh to the Upland near Three miles to the Northward of the mouth of Northwest River which had been the reputed bounds. Sunday March the 10th Rested at our camp at Marchands Plantation. Monday March 11th The Line was this day continued to Northwest River at the mouth of a small Creek runing Easterly towards Northern's house being about a mile to the Northward of Moyock Creek taking into Carolina between North River and where it cutt Northwest river about five or Six Thousand Acres of Land taken up, besides Quantities of Marsh and other Land including Three Thousand One hundred acres formerly belonging to Governor Gibbs now said to belong to Honoble Mr Bladen one of the Lords of Trade; their being five or six families in that Space taken from Verginia Tuesday March the 12th The Line was run from Northwest River Two hundred and Thirteen Chains to a Stooping Red Oak by a path side that Leads from John Monks to Henry Brights being about Twenty miles from the Inlett the Line runing about Three Quarters of a mile to the Southward of the Bridge over North west River leaving about four or five poor families and small tracts of Land in Verginia that before was reputed in Carolina this being the first Land that Verginia gained Wednesday March 19th This Day the Line was Continued to the Edge of the great Swamp or Dismall Two hundred and Seventy Eight Chains being about Twenty Three miles and a half from the Sea, the Line this day runing a few rodds to the Southward of Richard Ballamy Sen^r Henry Everidge to the Southward leaving William Ballamy to the Northward and Richard Linton to the southward and only three Caro-

lina familys were this day left into Verginia tho they all had but one Tract or Six hundred and forty acres of Land among them. A few familys to the Southward of North West River were left in Verginia who had Verginia Patents before and belonged there Thursday March 14th The Line Entered the Dismall & was to the Twenty Eight before it was finisht Thro' being found to be about fifteen miles in a direct course thro and came out to Northward of Corcapeek Swamp greatly to the Disappointment of the Verginian and great Satisfaction of Carolina Twenty ninth of march the line was run near the Main Road that Leads from Perquimons to the white marsh in Verginia cutting the said Road about Seven or Eight miles to the Northward of Capt Speight and a marked post was put up by the Road Thirtieth of March This day the Line was Run five hundred and fifteen Chains near to Richard Parkers whose house was left about one hundred Rod to the Southward March 31 Sunday—April the first The Line was this day Run Nine hundred and thirteen Chain to Somerton Creek cutting Somerton Road about a mile and a half to the southward of the Chapple and Mahering ferry road near William Speights whose plantation was split by the Line, post marked being put up on the main Roads where the Line Crost them April the second This day the line was Run seventy Two Chain & a half to Blackwater River cutting the said River above the mouth of Nottoway & thence run downe according to the Proposals to the mouth of Nottoway going South on a Streight Line 44 Chain and the Line was continued this day to this upland from Nottoway River to an Indian Old Field It now appeared how the Government of Verginia had been Mistaken and how exceedingly their former Comissioners and Survey^{rs} had Erred in their Reports & observation from the great swamp or Dismall to Blackwater being Twenty one miles and a half There was taken by the Line into Carolina a very great Quantity of Lands and Number of Families that before had been under Verginia of which the time would not admit to take an Exact account but computed to be above One hundred Thousand acres and above Three hundred Tythables April y^e Third The Variation was observed in the Night and found to be here $2\frac{1}{2}^{\circ}$ so the Line was Run by the Compass N 87 30' West and continued 1022 Chains this day to the side of Maherrin River being above a Quarter of a mile to the Northward of the Line run formerly by Coll Allen by order of the Government of Verginia which was done without allowing for the Variation of the Compass by which means some Lands & Two or Three families were this day taken into Carolina from Verginia April the fourth This Day a Conference of the Comiss^{rs} was held

and it was proposed by the Commiss^{rs} of Verginia that the Hott Weather coming on & the season of the year for Snakes and other Vermins the continuing the service further now might be Dangerous desiring the Opinion of the Commiss^{rs} if it would not be better to deferr the finishing the Line untill the fall. To which it was answered by the Commiss^{rs} of Carolina They would be Governed in it by the Gent Commiss^{rs} of Verginia being willing to proceed if they would but if they thought fit to Deferr it to the fall it was submitted so after some Debate it was agreed on to Deferr the matter till the ffall for finishing the Line and the Commiss^{rs} agreed to meet again on the 10th of September following only this day to run the Line to some better place to leave off at and accordingly the Line was continued crossing the river Maherring Three times to a Red Oak on the West side thereof about a mile above M^r Kinchens at whose house the Comissioners broke up April the fifth This day was spent in making plans of the Line and compleating & Comparing the proceeding that had been April the Sixth This Day Plans & Draughts of the whole being finished were Interchangeably Signed and Delivered by the respective Commiss^{rs} of each Government to the other and about Ten of the Clock took Leave of each other in a very friendly manner there having been a good harmony preserved during the whole Expedition. Herewith is also the Original Plan of the Line certified by all the Commiss^{rs} all which being preformed with no Little hardship and the greatest care and Diligence is humbly offered to be laid before the Lords Proprietors hoping it will be approved of by them and give a general satisfaction to the Country by ending the Dispute that has so long subsisted between the Two Governments and by making such Large acquisitions to their Lordshipps Country when nothing less than coming to Wiccons Creek was depended on in Verginia w^{ch} would have taken from what is now made this Country a Tract of Land fifteen miles wide at Wiccons and so quite back and a Great many hundred familys which is now Determined and Secured in this Government which is much Enlarged and Encreased thereby And had it gone a few miles more Northerly that by taking Nansemond River would have given us a port for shipping Tobacco which the Verginians by their hard Tobacco-Act have restrained would have made this a Large and most flourishing Country.

[B. P. R. O. B. T. VIRGINIA. VOL. 18. R. 84.]

A JOURNAL OF THE PROCEEDINGS OF THE COMMISSIONERS FOR SETTLING THE BOUNDS BETWIXT
VIRGINIA AND CAROLINA 172 $\frac{7}{8}$

March 5th The Commissioners on the part of Virginia after a fatiguing Journey of 8 days arrived punctually at the North Shoar of Carotuck Inlet about noon. In less than two hours they were joined by Col. Gale & Col. Moseley two of the Commissioners for Carolina. However they could not go upon any business for want of the Carolina Commission, which was in the hands of the other Commissioners, who came not hither till late the next day.

March 6th The Surveyors in the mean time employed themselves in taking the bearings of the Coast, & the Islands adjacent According to the most exact observation they found the Latitude to be 36 degrees 31 minutes. About 3 in the afternoon M^r Lovick & M^r Little the other Commissioners for Carolina arrived. Immediately the Commission of each side being read, it was agreed that each party should deliver a Copy thereof to the other. 'Twas also moved by the Virginia Commissioners, that those for Carolina should produce their Instructions; but they excused themselves by saying, what Instructions they had related to those matters only, which the Commissioners on the part of Virginia were expressly forbid to treat upon Then a debate arose concerning the place where they ought to begin, the Commissioners for Carolina were strenuous for beginning at the point of high land, because they said the former Commissioners had agreed to begin there: But those on the part of Virginia insisting that the Spit of Land stretching from thence to the Inlet, was properly the North Shoar, it was at last consented to by those of Carolina, with only a small allowance of about two hundred yards, which was proved to be gained since the Proposals had been signed by the Governors Spotswood & Eden. At night the Surveyors discovered the variation to be 3 degrees West by a Meridian taken from the North Star.

7. This morning the Commissioners ordered that a Post should be drove deep in the Sand at the place of beginning From thence they ran the Line due West allowing 3 degrees for the Variation, which it seems the former Commissioners had not done. The Line crost Dansiers Island, & thence into Notts Island over a narrow part of the Sound, which they past in two Periangas hired at the landing of North West River. In the

evening they encamp^t on the East side of North Island on the Plantation of William Harding which was cut by the Line.

8. They proceeded with the Line thro' the Highland of Notts Island, which exceeded not half a mile. Then they entered a large Marsh which was very wet & mirey extending as far as a Water called back-bay. this they crost by the help of a canoe sent round for that purpose, and then crost over another Marsh to the High Land of Princess Ann County. It is to be observ'd that Notts Island improperly so called, being only a Peninsular the water not surrounding it but at very high tides, when the Marsh is overflowed. We encamp^t on John Heaths Plantation a little to the Southward of the Line at the mouth of North River.

9th The Line was continued thro' Eylands Plantation to the East bank of North River. This the Surveyors past in a Perianga & crost over Gibbs Marsh near a mile in breadth to the high land. Soon after they were interrupted by a Pocosan made quite impassable by beaver Damms & Otter holes. On this account they were obliged to make a Traverse in order to make good their Line without going thro' this impracticable Place. The days work ended about a mile & 3 quarters to the Northward of Christopher Merchants House, not far from North West River. To this Field the Commissioners encamp^t correcting by a great fire the bad air occasioned by a Swamp which encompassed it.

10th This being Sunday we rested in our Camp, but Mr Fountain being left at North West Landing with the hopes of baptizing a great many Children we had no Sermon.

11th The Line was carried on about 3 miles thro' high land and afterwards almost 2 miles thro' Swamp & Pocosan full of beaver damms and otter holes, into which some of the men plunged up to their Middle. This unpleasant days work ended at the mouth of Northen's Creek, which discharges itself into North west River. But we encamp^t a little higher up the River near a deserted house belonging to Cap^t Willis Willson. This was for the benefit of shelter from the rain which not only threatened us but fell plentifully in the Night.

12th The Surveyors took the Course of North west River, then Crost from the mouth of Northern's Creek, and carried on the Line 3 miles thro' Marsh & high Land, cutting several Plantations. At night we encamp^t on Rob^t Ballance's Plantation, a little way to the southward of North west River bridge. Having first discharged the two Perrianga's we had provided to transport us over the many waters we had occasion to pass in this difficult part of our business.

13th The Line was continued 3 miles farther thro the woods which were full of briers & Gall-bushes, as far as the East side of the Dismal or great desert. 'Tis hardly credible how little the bordering Inhabitants were acquainted with this Swamp, tho' most of them had lived all their Lives within sight of it. They were positive it was not above six or eight miles to the other side, yet none of them so much as pretended they had ever past it. This was therefore the best information we could gain of a Desert so unknown, but in order to be better acquainted with it, we made the necessary disposition to enter it the next morning. We allotted for this service M^r Mayo, M^r Erwin and M^r Swan with 12 men, so many being thought necessary for clearing the way for the Chain, for marking and carrying the Luggage. The men were so desirous to be of this number, that it was thought proper to determine their chance by lot. This night we took up our quarters at M^r Wilkins House, about a mile from the place where the Surveyors left off. By nine this morning the Provisions, Bedding etc were made up in packs for the men to carry into the Dismal. They victualled for eight days, which we judged sufficient to carry them thro' this inhospitable place. Nor indeed could more be carried without making the Luggage too troublesome for the men. As it was, their Loads were 40 to 70 pounds weight a man, which was full enough to bear thro grounds hardly passable without any burden at all. However the men carried them cheerfully, and for their better encouragement some of the Commissioners went with them half a mile into the Dismal. The ground was wet & boggy full of tall reeds, everywhere interlaced with Briers, which hampered the feet very much. Two men went before to clear an opening for the Surveyors and enable them to take their sight. At the end of half a mile, they came to a small Island of high land about one hundred yards over. Here the Commissioners recommending vigour & constancy to the men returned, & the Surveyors proceeded with them their Line one mile further in all one mile & a half. The ground continued much the same only some part of it was overgrown with Gall bushes and the trees which grew here & there amongst them were generally Cypressess. While the Surveyors were thus engaged in the Dismal, the Commissioners in order to meet them on the west side, having sent away the Baggage followed it to Cap^t James Wilsons. Here we had left the horse and some of the men to look after them, when we embarked on the Periangas for Corrotuck.

15th The Surveyors proceeded to run the Line in the Dismal but the ground being wet and thicker set with Reeds Briers & Gall bushes than they found it yesterday, it was impossible after a long days work to go

further than one mile, 15 chains and a half. Another great hindrance proceeded from Trees blown down, which lay horsing on one another, with sharp snaggs pointing every way, and requiring great caution to get over them. These trees were generally Cypresses which are easily blown down in this wet place, as indeed all other Trees are, because there is no firm earth for the roots to shoot into. In the mean time the Commissioners in their way round marched to Timothy Ives's with the horses and baggage in whose field they pitched their Tent.

16th The Surveyors ran their Line one mile & a half & 8 chains the greater part of the ground was Juniper Swamp with very thick underwoods and fallen Trees piled upon another. The water here was found a little purgative by some of the People from too strong a tincture it had received from the Juniper Roots. In the evening they came upon another small piece of High Land, which was the more convenient because about 8 a clock it began to rain, which would have rendered the Low part of the Swamp a very uncomfortable lodging. The Commissioners went this night to M^r Andrew Mead's where they met with very generous entertainment.

17th This being Sunday the Commissioners halted at M^r Mead's, where M^r Fountain gave them a Sermon. It rained very hard in the morning which gave them great concern for their Friends in the Dismal. However it had no other ill effect upon the Surveyors, but by hindering them from carrying on the Line, for which they had a Dispensation notwithstanding it was Sunday, because it was really a work of necessity; but the rain had made everything so wet, that it saved them their labour, tho' not their Provisions.

18th The Surveyors fell to work with fresh vigour and finding the grounds a little better pusht on the Line 2 miles and 19 chains. In the afternoon their industry received some check from a Juniper Swamp very difficult to pass. In the mean time the Commissioners marcht round to M^r Speights's in hopes to meet with some intelligence. But instead of that M^r Speights was positive the Dismal could not be less than 30 miles over in that part of it where the Surveyors were to pass. This would have been dreadfull news had that Person had any Rule to judge by better than Conjecture. For neither he nor any other had ever made Trial of the Distance. At night we ordered guns to be fired on the Edge of the Dismal, and a drum to be beaten to give notice to the Surveyors (in case they were within hearing) that they were not far from Land And likewise that by answering our Signal we might have notice of their approach. But no such good report was heard from thence.

19th The Commissioners ordered men both to the Northward and the Southward to fire more guns on the side of the Dismal, who could hear none in return. Many people came to Mr Speight's to satisfy their Curiosity, and brought many children to be baptized but none of them could tell any good tidings of the Surveyors Nor was it possible they should, because they were still in the midst of the Desert. They ran this day a mile & sixty one Chains thro' a terrible Juniper Swamp, where the ground was very soft, and the passage interrupted by a multitude of fallen Trees. Towards the evening they fancy'd they heard 4 guns to the Northward of their Course, by which they flattered themselves they were not far from Land.

20th The Surveyors proceeded a mile & 64 chains thro' the same Juniper Swamp, only the trees were thicker and smaller, by which tis probable, that this part of the Desert may have been formerly burnt, by the spreading of the Fire which is often made on the skirts of it by the bordering Inhabitants. While the Surveyors were thus employed, the Commissioners who remained at Mr Speights were in great pain for them, and the rather because they know their Provisions must be near spent. Men were continually dispatched upwards & downwards to fire guns and make enquiry, but could gain no intelligence.

21st The Surveyors began to be alarmed with Famine, and not without reason for their Provisions grew very scanty Nor could they discern any marks of being near Land. They had seen neither Bird nor Beast since their Entrance into this barren wilderness, to supply their wants, nor so much as an insect or a reptile. This must proceed from the moisture of the ground, and the everlasting shade which hinders the friendly beams of the Sun from warming it. These considerations determined them to abandon the Line for the present, and make the best of their way out, according to this resolution they marcht early in the morning, and steered due West as near as they could by the sun. At night they computed the Journey to be five or six miles, which was a great way considering the badness of the ground. It was all Juniper Swamp, so difficult & perplex, that if the People had not travelled for their Lives they could hardly have reacht so far. However they had the comfort in the evening of hearing the dogs bark and the Cattle lowe, which made them forget the fatigues of the foregoing day. In the mean time the Commissioners receiving no news of their approach were exceedingly uneasy.

22nd The Surveyors pursued their Journey early in the morning, being encouraged by the good Omen of seeing Crows fly over their heads, & in an hour found themselves among Pines, soon after they waded thro'

a deep swamp extending a full mile in breadth & taking the men almost up to the knees. After this about 10 in the morning they had the pleasure of recovering firm Land, and immediately repaired to Peter Brinkly's House to satisfy the importunity of their stomachs. In the afternoon M^r Swan brought the Commissioners the joyful News of their arrival in perfect health, this was the more fortunate because several of the men had been troubled with Fluxes & small feavers during their stay in the Dismal. They all came to M^r Speights in the evening.

23rd It was necessary for the Surveyors and the men who had shared in their fatigue to rest themselves, and prepare to enter the Dismal again on Monday, in Order to bring the Line quite thro' it.

24th This being Sunday a large Congregation flocked to M^r Speights from the adjacent parts to hear a sermon and get their Children baptized. In the afternoon the People who were to reenter the Dismal were furnished with Provisions, and sent under the direction of M^r Mayo and M^r Swan to Peter Brinklys that they might be ready next morning to enter upon their business without loss of time.

25th These Surveyors with the Chain and burthen carryers returned into the Dismal with great alacrity, and by the help of the path they had made in coming out, arrived at the place where the Line had been discontinued. Here they lay as they had every night before in that Mirey Place, upon Juniper bark, over which they spread their blankets. The water was so near the surface that if a fire was kindled, so soon as the Crust was burnt thro', which Commonly happened in half an hour, it sunk into a hole and was extinguished. In the mean time the Commissioners continued at M^r Speights till their return not without a great deal of impatience.

26th The Commissioners agreed that M^r Fountain should make a Journey to Eden Town to give the Inhabitants a Sermon and christen their children. This seemed the more expedient because there is not a minister in the whole Province of North Carolina.

27th This morning we apprehended rain, but it blew over again to the great Comfort of the Surveyors and People who were still labouring in the Dismal.

28th The Surveyors this evening finisht the Line thro' the Desart having in three days proceeded five miles. This made the whole distance over it to be 15 miles in that part which is supposed to be its breadth, while the length which extends from North to South is conjectured to be double that distance. After the Surveyors had carry'd the Line 25 Chains up into the High Land, they dispatcht a Messenger to the Com-

missioners at M^r Speight's to receive their orders, which were to proceed with the Line the next morning. They came out of the Dismal not far to the North of Peter Brinkly's.

29th The Surveyors having by order of the Commissioners set up a post in the great Road where the Line cut it, expressing the bounds betwixt the two Colonys, proceeded one mile and fifteen Chains, wading over a Mill Swamp which took them above the knees.

30th The Surveyors continued the Line 6 miles & 35 chains They found the Woods pretty clear, and interrupted by very little Swamp or wet ground. Several Posts were set up in the Roads thro' which the Line past to show the Bounds. At night they took up their Quarters at Richard Parkers House standing about a third of a mile to the South of the Line.

31st It rained a little this morning but this day being Sunday it gave no interruption to the business. All the Inconvenience of it was that it lessened M^r Fontain's Congregation.

April 1st The Surveyors now being got upon high Land they proceeded with their Line Eleven miles & three quarters and 13 chains. They left Somerton Chappel near two miles in Virginia, and ran to the East side of Somerton Creek. They Cut thro' William Speights Plantation, taking the Tobacco House into Carolina and leaving the Dwelling House in Virginia. This has been the Case of Several other People in the Course of this Survey.

2nd The Surveyors past Somerton Creek and Continued the Line three quarters of a mile 12 chains & 30 links to the banks of the Black-water River. This they cut about half a mile to the Northward of the mouth of Nottoway River, which agreed to half a minute with the observation made formerly by M^r Lawson He had made the Latitude of the mouth of Nottoway River to be $36^{\circ} 30'$ and our Line made it $36^{\circ} 30\frac{1}{2}'$ wh^{ch} was but a small difference. However according to His Majestys order, the Surveyors came down Blackwater River and ran a due West Line from the middle of the mouth of Nottoway. This River they crost just above the mouth where it turns off to the Northward, and carr'd on the Line about half a mile thro' a deep Pocason, to an Indian old Field. Here we encampt notwithstanding it was Low ground, and enclosed on two sides with a Swamp. At this place we found the variation of the needle lessened to 2-30.

3rd The Surveyors ran the Line 12 miles and three quarters. Great part of the way was thro' clear woods, but as they approacht Meherrin River, they cut thro' several Mirey Branches. They reached Meherrin

about Sun Set, and the grounds were so uneven near the River, that it was difficult to find a Place level enough to encamp upon. The distance from the mouth of Nottoway River to the banks of Meherrin where the Line Crost was found to be 13 miles and a quarter.

4th We forded the River and found the Bank on the West side very steep. The Surveyors carry'd on the Line 2 miles and 39 chains, in which distance the River was so winding that they crost it no less than 3 times.

5th The Commissioners considering the great fatigue already undergone, and the danger of Rattle snakes in this advanced season, determined to proceed no further with the Line till the Fall. The Surveyors form'd a Mapp of the Line they had run from Coratuck Inlet to this Place, and found the distance from East to West to be 73 miles and 13 chains. Of this Mapp they made two Copys which agreeing exactly were subscribed by the Commissioners of both Colonys, and one of them was delivered to those of Virginia and the other to those of Carolina, who are to meet again the tenth of September.

H. BYRD.

R. FITZWILLIAM.

H. DANDRIDGE.

(Indorsed)

Journal of the Commissioners for settling the Boundaries between Virginia & North Carolina and a Plan of the said Line bound up with the other Mapp.

Referred to in Maj^r Goochs letter of 8 June 1728.

Read: 30th July } 1728
Read.

[B. P. R. O. B. T. PROPRIETIES. VOL. 12. No. 92. R.]

NORTH CAROLINA—SS.

To the Hon^{ble} S^r Richard Everard Baron^t Govern^r Captain Gen^l
Admirall & Com^{dr} in Chief

April 29th 1728

The petition of Samuel Northey most humbly sheweth That a few days agoe Yo^r Petition^r being taken into custody by John Falconer on an Admiralty Citation he applied to the Hon^{ble} Christopher Gale Esq^{re} Chief Justice And in the Gen^l Court Office entred his complaint of

Prohibition Setting forth that he was cited by a process granted by Edmond Porter Esq^r Judge of the Admiralty and taken into Custody by John Falconer pretended Marshall of the said Court to appear on the twenty fifth day of this month of April in the said Court to answer the Libell of James Trotter of Edenton Innholder for the sum of fifteen Shillings and sixpence for Victualls and drink sold the said Northey in Edenton which matter not being within the jurisdiction of the admiralty the said Northey prayed his Majestys Writ of Prohibition to Prohibit the said Judge and the officers and Ministers of the said Court and the said James Trotter from proceeding any further in any manner in the said Suite which was granted and a Writt of Prohibition thereon made out forbidding the said Judge on any Acco^t or manner whatsoever further to proceed or hold plea thereon or Suffer any further proceedings to be had or Attempted in his said Court thereon which Prohibition being delivered to the said Edmond Porter instead of Complying with his Majestys Said Writ having required yo^r Petition^r to plead and he refusing the said Judge did order the said Falconer his pretended Marshâll to take into Custody yo^r Said petitioner which he accordingly did and held in close Confinement till the next day when the said Edmond Porter Judge notwithstanding the said Prohibition did convene yo^r petition^r again to answer the said suite and altho the authority of the said Court was still denyed in the said suite and the Prohibition urged yet the said Edmond Porter presumed to proceed and Adjudged yo^r petitioner to pay to the said Trotter the sum of fifteen shillings and sixpence and the costs which were taxed so high as to amount to about fifteen times the Principal debt and for not paying it granted process whereby the said John Falconer pretended Marshall took the body of yo^r petitioner into custody and the said Judge and pretended Marshall having got John Mathews deputy Marshall in y^e precinct of Chowan in y^e County of Albemarle with them who had the key of the County Goal in Edenton comânded him to deliver it up which he (hesitating in) the said Judge order^d the said John Falconer to take him the said Mathews into Custody which he accordingly did and so by threats and Compulsion took away the key of the said County Goal and thereby took the same out of the provost Marshalls hands wholly who by Law has the keeping of the said Goal and all Prison^{rs} therein both Criminals and others and all this without Applying to the said provost Marshall who was thereby divested of his Goal and without any authority from the Govern^r or any Magistrate or Justice having gotten the key in this Manner the said John Falconer did carry yo^r petition^r and him comitt to the said County Goal and there hath

close confined him all which proceedings yo^r petition^r conceives to be utterly against all Law and Justice a great Oppression of the Subject and in Violation of the rights and Liberties of the People in high Contempt of the Kings Writt of Prohibition and derogatory to the authority of Government and now your petitioner having moved for a habeas corpus to the Chief Justice but he conceiving since his Majestys Writ of prohibition was denyed and rejected it would be to Little purpose to order Y^r petitioner his discharge not doubting he would be held notwithstanding by the Violence of the said Judges proceedings unless some Act of Government should free y^e petition^r from such forceable detainer Wherefore yo^r petition^r Implores redress from yo^r Hono^r & begs Leave further to observe upon it that he is advised that tho there be often disputes Concerning the Jurisdiction of the Admiral Court the same is always determ'd by the Co^mon Law Judges and when a Writt of Prohibition is granted (which is a Writ Ex debita Justitia) the Admirals Court Staves all proceedings thereon and if the proponent is not satisfied then the matter is Argued before the Judges where the writ of Prohibition was granted and if the matter Appear to them not to be in the Admirals Jurisdiction the Prohibition Abides but if it be judged to Lye in the said Admirals Court then a Writ of Consultation is granted and the Court of Admiralty proceeds but without that for the said Court to proceed is against all the rules of Law and utterly unwarrantable and unpresented & tho it is say'd that the said Judge of the Admiralty Conceiving himself more imediately the Kings Court then the Temporal Courts within this Charter Government are and that he is not to be under their Control but y^e petition^r is advised that the said suggestion is of no weight for as that Judge holds under the Admiral who derives Authority Originally from the King to the Comon Law Courts are held here under the Lords proprietors who Originally derive that power from the King too and the General Court here by the Chief Justices Commission and Authority have the same power in all matters and things here as the Kings Bench hath in England and therefore power to grant prohibition when the Admirals Court here Exceed their bounds and Trespas on the Co^mon Law which is every Englishmans birthright and the people here being his Majestys liege Subjects have right to all the Laws and privileges of English Subjects And it was allowed in the complaints Against Judge Trott of South Carolina to be the principal one that he being Chief Justice under the Lords Proprietors took a Commission to be Judge of the Admiralty so that no Prohibitions Could be granted and the Subjects thereby were debarred of that great priviledge; seeing

then that this suite is not within the Jurisdiction of the Court of Admiralty for these reasons—Viz^t

1st Because there is a Law of this country that such small and mean causes shall not be tryed in any Court whatsoever but before a single Magistrate to prevent Vexatious suites and high fees which in this Court appear to be so very exorbitant being more than fourteen times the debt in this case.

2^{ndly} For that y^r Petition^r is a Liver and free holder in the country and had he absconded we have a Law directs how Process shall be served in such case out of the Comon Law Courts

3^{rdly} He being Master of a Vessell (which all this while he being thus detained) is wholly taken out of his Charge and that & the Cargo in the utmost danger of being lost diminished or damnified he hath given bond of five hundred pounds not to depart without License that so all Creditors may have remedy.

4 He was so farr from concealing himself on board his vessell (as was pretended) that he was dayly and sometimes hourly on shoar his vessell being hauled into the Creeks Mouth and within a few rods of the shoar and tendered the money to the said Trotter before he was taken by the Marshall of the Admiralty who served the Citation on him on shoar.

5 For that the cause of action being for a Tavern score for Victualls and drink of an innholder in Edenton and this too sett forth even in the body of the Libell it self it cannot possibly be thought to lye within the Admirals jurisdiction and appearing so in the body of the Libell it is held that the said Judge of the Admiralty comes under a premunire for holding plea thereof at all as M^r Molloy hath determined and further by the same rule if this case lay in Admiralty Court because the debt was gott afterwards on the Water by the same rule any suite might be drawn into that Court if the party att any time should be water born which tho' absurd yet is insisted on Wherefore on the whole the matter being so apparently wrong and injurious the Kings writ of prohibition disregarded and your petitioner not only most grievously oppressed thereby but he and other his Majestyes leige subjects will by such fallacious suggestions and arbitrary proceedings if not remedied be divested of their rights and priviledges the Kings Laws be violated that most valuable benefit of Juryes be lost and all depend on the determination of one man contrary to all Law and Justice Your petitioner therefore humbly prayes that he may be freed from this forcible detanier and that such measures may be taken as in yo^r Hono^{rs} wisdom shall be proper to redress such grievances and remove such oppression that not only the law may have its course

Justice be maintained and the authority of the Gov^t the Kings writ supported and the Liberties of his Subjects preserved but that y^r petitioner may be secured and protected from any further violences which he still apprehends on the same Matter if not deterred and prevented by your hono^r to whom as the head of the Government y^r petitioner seeks for safety and protection.

And further yo^r petition^r complains that one John Leakey was made by the s^d Judge register of the said Court of Admiralty whom the Petitioner hath great reason to fear hath made false entrys in the said case & tho' great solicitations have been made for coppyes which the said Leakey promised from time to time should be immediately granted yet he still hath delayed and is gone out of town without giving coppyes which thereby can't be had by your petition^r who humbly submits the matter and himself to your hono^r as in duty bound that pray

SAMUth NORTHY

[B. P. R. O. B. T. PROPRIETIES. VOL. 12. NO. 91. R.]

SIR RICHARD EVERARD TO THE LORDS OF TRADE & PLANTA^{ns}

EDENTON May 3rd 1728.

Right Hon^{ble}

Twass hon^d with Your Ld^{ships} and in obedience to your Comands I Proclaimed his Maj^{ty}s and the utmost demonstrations of Joy was shewn by all people in generall and the night concluded wth a Compleat illumination and Boon Fires and drinking his Maj^{ty}s health and all the Royall Familys long life &c

I humbly beg leave to lay before your Honorable Board some Few things that to me seems to be detrimentall and destructive to the trade of this Province it being my Duty as Govern^r to lay the Greviances before Your Hon^{rs}: I'm confident I err not in so doing The Complts my Lords is these. The bounty on Pitch and Tarr being off we have no Trade to depend on but our Beef and Pork w^{ch} is bought up by our Neighbours the Virginians here and drove alive in Virginia so that our Navigation is entirely lost, the Virginians bring in neither Mollasses sugar nor Rum w^{ch} are the Chief Support of this Province w^{ch} is a very great prejudice to our Planters the Droovers Stealing the flocks of Hoggs and

Cattle in their Driving I may safely say thirty thousand Hoggs were drove out last year.

Another thing Your Lordships will permitt me to represent to Your Hon^{ble} Board concerning our Judge of the Admiralty whose proceedings are so violent and arbitrary as to occasion many Compl^{ts} against him one of w^{ch} From a Master of a Vessell is so extraordinary that I ordered the Chief Justice to Issue an Habeas Corpus if the matter appeared proper to discharge him from the Commitment of that Judge his proceedings being so irregular and carried on wth so high a hand that I thought proper to interfere in it The Prisoner being a Master of a Vessell loaded and bound out and by his wrong detainer his Vessell and Cargoe left to Suffer and Trade thereby manifestly obstructed and All for a Tavern Score of 15^s 6^d Bill mony viz 3^s 1^d $\frac{1}{4}$ Ster: the Cost amounts to £12 notwithstanding a prohibition to the Contrary the man was hurried violently to Goal in Execution I should not have troubled your Lordships with this affair but not knowing what representation that Judge may make to the Lords of the Admiralty of the matter having taken severall depositions to that purpose and some not very true, but since their Lordships I'm confident will have a tender regard for the preservation of the Com: Laws and the rights and libertys of the Subject and the Englishmans Privileges of Juries to Countenance that Judges extravagant proceedings I have ordered our Chief Justice to cause a true State of the Case to be layed before the Lords of the Admiralty I thought it proper to lay this much of it to your Lordships before whom all matters of trade and Plantation properly come who are allways carefull to correct all matters whatsoever I shall only on this head beg leave to inclose a copy of the complaint that was made to me about it I shall only add that on the Strictest enquiry I found the matter to be very true in it and therefore some Remedy necessary and do not doubt but that my conduct will be approved in it.

Now my Lords I'm obliged to become Your Lordships Petitioner for your Advice and Assistance in the Affaire of Virginia whose Assembly has made a Law with severe penalties and Fines For every Hoghead of Tobacco that's carried into Virginia out of this Country and severall Hoggsheds have been seized by the Sherrieff of Nansemond w^{ch} is as I conceived very prejudiciall to his Maj^{ty's} Revenues and an Insufferable Damage to the Poor N^o Carolinians and at the same time our Tobacco exceeds the Virginia I offer this to your Lordships in hopes Your Honours will use your Interest to gett the Act repealed and to have Your Assistance in Getting one of the Landings in Nansemond River to be

Free for the Carolinians to ship their Tobacco as these my Lords are the
 Greiviances I thought my Duty to lay before you I hope I have comitted
 no Fault if I have I must ask pardon and reley on Your Lordshps
 goodness for my zeal for the advance of Trade and the Prosperity of my
 Governm^t I'm My Lords wth Sincere Respects

Your Lordships

Most obedient

Humble Servant

To the Right hon^{ble}

RICHARD EVERARD

The Lds of Trade & Planta^{ns}

[B. P. R. O. B. T. SOUTH CAROLINA. VOL. 3. C. 21.]

MEM: FROM M^r GODIN RELATING TO Y^e FIRST
 SETTLEMENT OF CAROLINA

Recd: }
 Read } May 21. 1728.

All that tract of Land on which Carolina & S^t Augustine lays was first
 call'd Florida from the abundance of Flowers the Country naturally pro-
 ducest, it was settled first by the French in the Reign of Charles 9th king
 of france and in honour to him call'd Carolina, they also named all the
 Rivers and satt down principally at Port Royall, this being a favorite
 Collony of Admiral De Colligny who in the begining of the reformation
 had views to establish it as a refuge for the persecuted protestants but
 being betraid by ville gagnon & then unfortified the Spaniards came
 from Cuba & the Havana & murther'd them all, of which the Admiral
 had resolved to take a signal revenge, and was preparing to this purpose
 a large Imbarcation att Dieppe but was prevented by the masacry of S^t
 Barthelemy, wherein he himself was so barbarously butcher'd. The
 Spaniards seeing the Consequence of that Coast between which and the
 Island of Cuba all the treasurs of the Indies must pass, resolved to
 secure some part of it to themselves, for the safety of the passage of their
 Gallions & flottas built for S^t Augustine, & kept there a Garrison ever
 since and nothing more.

Now the English comeing a 100 Years after the French had been
 routed out of the Country as it were to revenge the blood of so many

protestants, may very well say that St Augustin is built within the Limits of Carolina for there were never any boundarys or Frontiers settled with them to ascertain what was theirs, or ours, but it appears that the Inhabitants always took the alatomaha River to be a naturall boundary between us, since Governour Nicholson built fort King George beyond it which put the Spaniards upon complaining of it as of an Infraction there being no Inhabitants near it for a great distance that fort being three hundred miles from Fort Royall as I was told.

Florida was first discover'd by about 1490 for King Henry the 7th

The french in 1560 odd went & settled upon it by direction of Admiral De Coligny, call'd it Carolina in honour to Charles the 9th King of France, named the Rivers, & places particularly Port Royall and Charles fort.

They were betrayed to the Spaniards by one Knight of Malthe called ville gagnon who the admirall had sent there on his pretending to be well affected to the Protestants they came from Cuba & murther'd & routed them not as french men as they pretended but because they were Lutherans afterwards the Spaniards knowing the Importance of that Coast along which the Gallions & Flotas must pass thought fitt to secure some part of it for themselves & so built fort St Augustin there &c:

The English came 100 Years after the french, in the Reign of King Charles y^e 2^d and settled y^e Country as it is now. By the Treaty of Utrecht every potentate was to keep what he had in possession, either by conquest, conivance or acquisition

STEPH: GODIN.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a council held at the Council Chamber in Edenton the 27th day of May Anno Dom 1728

Present

The Honoble Sir Richard Everard Bart ^t Gov &c.		
William Reed	R Sanderson	Esq ^{rs} Members of the Council
Chris Gale	T Pollock	
J Lovick	T Harvey	
E Moseley	R West	
F Foster	E Gale	
J Worley		

The Honoble the Governor Informing this Board that Edmond Porter Esq^r Judge of the Court of Vice Admiralty within this Province had refused to Recieve as Register of the said Court Robert Forster Gent who was appointed to that office with the approbation of the Council and that the said Judge has Given Comiss^{rs} for a Register and Marshall of said Court without shewing any power from the Admiralty for so doing Desiring the Opinion of this Board whither upon a Vacancy of Any Officer in the said court of Admiralty the said Officers should be appointed by the Judge of the Court or the Gov^r with the advice of the council and M^r Porter appearing and producing a Copy of a Commission Granted by John Menzie Judge of the Vice admiralty court within the Province of the Massachusetts Bay in New England to Edward Stanbridge appointing him Marshall of the said Court upon the Death of Ambrose Vincent who dyed in that office it was objected on the other side that the precedent being from New England was not to be taken notice of that Colony in their Charter being expressly forbid to Erect or allow the Exercising of any Admiralty Court Jurisdiction or Power That being Specially reserved to his Majesty his heirs &c And at the Instance of M^r Porter the said Copy of the Commission which he produced is Entered in these words Viz^l

To All to whom these presents shall come John Menzies Judge of Vice Admiralty within the Province of Massachusett Bay &c in New England sendeth Greeting.

Whereas the Office of Marshall to the Court of of Vice Admiralty within the aforesaid Province is now vacant by the Decease of Ambrose Vincent Late Marshall thereto and that until an other fit Person be authorized and appointed to Officiate in the Station the Proceedings in that Court will be much obstructed and thereby the Liege People and others resorting thereto Disappointed.

Know yee That I have sufficient knowledge of the Loyalty and Fidelity & Capacity of Edward Stanbridge of Boston in the afores^d Province Gent to serve in that Office and to Discharge the Duties incumbent upon him as Marshall Do hereby Give and Grant unto the aforesaid Edward Stanbridge the office of Marshall to the aforesaid Court with full power to him to exercise the same within the said Province & Maratime ports thereof as full and ample as any Marshall of the said Court hath or might have done Lawfully heretofore in any manner of way and to Recieve and Enjoy the whole ffecs & perquisites due to the Marshall of said Court during his service therein and to have hold Exercise follow forth

and possess the afores^d Office within the said Province and Maratime ports thereof and thereto belonging and have fees and perquisitts due to the marshall of s^d Court to his own use to apply and which comission is to Endure and Continue untill I shall think fitt to alter the same or that a Comission be granted to some other Person from Great Britain which of them first happens. In Testimony whereof I hereunto not only set my hand and seal but also cause prefix the seal of Office thereto this Sixth day of April in the Tenth year of Majesties Reign Anno Dom 1724

J MENZIE Judge & a Seal

Sworn the same day as appears by the Minute Book Attes^r

JOHN BOYDALL Reg^r

And the matter being thus fully argued and Debated upon the whole this Board is of Opinion that upon any Vacancy of the Court of Admiralty here the Honoble the Governor with the advice of the council may appoint as usual till further orders from Great Britain

The Honoble the Governor named John Parke Esq^r Provost Marshall to be Marshall of the Admiralty who was approved of by this Board

The Honoble the Governor named Sam^l Swann Esq^r to be Judge Advocate of the Court of Admiralty who was approved of by this Board

Adjourned till to morrow morning

Teusday May the 28th Met again Present as before

The Honoble the Governor desiring an Examination might be had before this Board concerning some Defamatory words spoken by M^r Jenoure of one of his Daughters And M^r Capell was Sworn thereto and M^r Jenoure being present utterly denyed the said Words and for the Governors further satisfaction signed the following writing Viz^t

Whereas M^r Joseph Jenoure hath been charged by the Honoble the Governor with speaking certain scandalous Reflections touching the Reputation of Sir Richard Everard Lady and Daughters The said M^r Jenoure Publickly before the Honoble the Gov^r and Council Declared (and offered to give his Oath thereto) that he neither knew or beleived any Evil that might Effect the said Lady or her Daughters Reputation nor does he remember that ever he spake anything that might reflect on them.

JO^s JENOURE

It being represented to the Honoble the Governor that John Leatry Clerk of the Lower house of Assembly having given Copies of the Pro-

ceedings of the Late Assembly which he believeth doth not agree with the original minutes of the proceedings of Assembly The Honoble the Governor was Pleased to Direct that M^r Leatry attend accordingly M^r Leatry was directed to produce the Originalls that the same Copies might be Examined therewith he answered that he had them not in his office, but that they were at his Lodgings for his more ready making out of Copies for such as wanted them, he was told by the Governor and Council that it was their unanimous Opinion that he ought not to remove them from the office appointed for keeping them least some accident might happen to them and the s^d M^r Leatry being further asked wither he had given Security for his faithfull Discharge of the s^d office pursuance to the act of Assembly Entituled an Act for Qualification of Publick Officers which was read unto him he answered he had not as thinking his Office being appointed by the Representatives of the people to be within the Purview of that Law nor has it been Customary for such Officers to give Security ever since the time of making that Law and the Question being put to the Council for their opinion whither the said Officer ought not to give Security It was the Opinion of the Council that he ought And it is further ordered that he give Security in the sum of Five hundred Pounds which shall be accepted of as if done within the time Limited Otherwise that M^r Attorney General Do prosecute the s^d Leatry for his Neglecting to give Secuty.

A minute being made in the Council Journal of the Governors desire to Remove Coll Harvey from being Chairman of Perquimons Precinct Court the said Harvey now desired to Know his Hon^{rs} Reasons for it

And the Governor Declared it was because there was Two Elder Counsellors in said Precinct but being given to understand that both them Gent Refuse to act he was satisfyed with Coll Harvey and had nothing further to object.

Read the Petition of Thomas Pendleton Shewing that George Powers sometime agoe obtained a Patent for 250 acres of Land which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of Robert Forster and Samuel Swann Shewing that Henry Irwin of Verginia and others for him obtained Patents for several Tracts of Land lyng in Bertie Precinct which is not Seated & planted thereon Pursuant to Law Therefore prays that Lapse Patents may be granted them for the same

Ordered that Patents Issue as prayed for

Read the Petition of John Martin Shewing that sometime agoe Nathaniel Martin obtained a Patent for one hundred and fifty acres of Land w^{ch} is not seated as the Law directs Therefore prays a Lapse patent may Issue for the same to him

Ordered that a Patent issue as prayed for

The Honoble the Gov^r representing to this Council that he is Informed by the Rec^r General that the monies arising by the Rents of Lands is scarce Suffieient to pay all the salaries allowed unto the Lords Prop^{rs} officers and that there is not monies in his hands to pay the sum of Two hundred Pounds Sterling granted by the Lords Proprietors for and Towards the building a Church at Edenton Whereby their Lordships Pious Intention is Retarded It is therefore the Opinion of the Council the better to Enable the Reciever General to pay the said Sum That the Reciever General be Directed and he is hereby Directed by the Governor and Council to Sell so much of their Lordships Lands after the rate of Twenty Pounds Sterling £ Thousand acres (being their Lordsp^s last orders) as shall be Suffieient to raise so much money as the Rents and Arrears thereof shall fall short paying the said Two hundred Pounds Sterling after the Salaries of the Lords Proprietors Officers are paid

By order

J. LOVICK Secty

[B. P. R. O. B. T. VIRGINIA. VOL. 18. R. 77—EXTRACT.]

LIEUT. GOV: GOOCH TO LORDS OF TRADE 8. JUNE
1728.

My Lords,

* * * * *

Having according to what I advised your Lordships in my last given Commission to M^r Byrd, M^r Fitzwilliams and M^r Dandridge three of the Council to meet the Commissioners of North Carolina in order to settle the Boundaries. They mett at Currotuck Inlet on the 5th of March, and with much labour and difficulty proceeded about 70 miles on the line as your Lordships will find by their Journal, which is now sent markt No. 1. But to the great surprise of all who had read the report of former Comm^{rs}, it is now found that instead of gaining a large Tract of Land from North Carolina, the line comes rather nearer to Virginia than that which Carolina has always allow'd to be our bounds: (I have herewith

sent the Plan.) This mistake has proceeded from a false observation of the latitude, & from not adverting to the variation of the compass which is now found to be 3° from the true west Point; yet as it is necessary to put an end to a controversy, which, it seems, has been for many years attended with much inconveniency to both Governments, and no small detriment to private persons, whose debtors found a safe retreat within the Bounds in dispute, where the laws of neither Province could reach them So it will be a considerable augmentation of His Majesty's Revenue that the Boundaries in the inland part of the Country and towards the mountains be fixt, the uncertainty whereof has hitherto discourag'd the people from taking up His Majesty's Lands, and making settlements on that Frontier; To this purpose the Comm^{rs} are again to meet in September to perfect that work; and though the expence thereof is like to prove considerable, I hope it will be more than recompenced in a few years by the increase of His Majesty's Quit Rents, and other advantages as well to the Trade as the security of this Country.

* * * * *

My Lords

Your Lordships

Most dutiful most faithful and
most obedient humble servant

WILLIAM GOOCH.

Virginia

June 8th 1728.

[B. P. R. O. AMERICA & W. IND. No. 592.]

THE ATTORNEY GEN^l TO THE DUKE OF NEWCASTLE.

LINCOLN'S INN 3^d Aug^t 1728.

My Lord

I had the honour of your Lordship's Comands by your letter of y^e 30th past to hasten the dispatch of the Conveyance of the Province of Carolina to his Majesty; in answer to which I begg your Lordships would permit me to represent in what state that affair now stands before M^r Sollicitor & me.

On y^e 13th of July M^r Paxton laid before us Copies of the several Petitions of the Proprietors to the Lords of the Comitte of Councill & of their Reports thereupon, with directions from the Lords of the Trea^{ry}

to prepare the necessary Instruments. Upon that we immediately acquainted the Agent of the Proprietors that their respective Titles ought forthwith to be laid before us, in order to form a Judgment whether a good Title could be made to his Majesty in what manner the Conveyance ought to be fram'd, & what parties were necessary to join therein. We likewise directed M^r Paxton to quicken them in bringing these matters before us. But from that day to this not one Deed or paper relating to the Title has been produced till this Evening, when Abstracts were left at my Chambers, of the Titles of M^r James Bertie, M^r Hen: Bertie & M^r Hutcheson, but without any of the original Deeds, & as to the other Proprietors we have hitherto received no Information concerning their Titles. By this your Lordship will perceive that, if this matter has received any delay, it hath arisen merely from the Proprietors & their Agents, for it is impossible for us as his Majesty's Council to advise the acceptance of a Conveyance, or so much as prepare the form of it, without being truly inform'd of the State of the Title, which in some of the Proprietorships may require particular Consideration, there having been several subsequent conveyances since the first Grant, & some thereof litigated.

I thought it my Duty to acquaint your Lordship with these Circumstances, & to assure you that as soon as the necessary Materiales are laid before us, this Affair shall receive all the Dispatch which the nature of it will admit. I am always with the greatest truth & respect.

My Lord

Y^r Lordship's most obedient &
most faithfull humble Serv^t

P: YORKE.

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council Held At the Council Chamber in Edenton the 5th day of August Anno Dom 1728

Present

Sir Richard Everard Bar^t Gov^r &c

{	Christopher Gale	R Sanderson	}	Esq ^s Members of the Council
	J Lovick	T Harvey		
	E Moseley	E Gale		
	J Worley			

The Last Will and Testament of Elizabeth Pricklove was Produced before the Honorable the Governor and was proved by the affirmation of Elizabeth Elliot one of the People called Quakers and referred for consideration till to morrow morning

August the 6th the Gov^r and Council met again Present as before.

And upon the Debate of this Will it appearing that Administration is already granted to all the Daughters of the said Elizabeth Pricklove the said Paper or Will having been concealed Thereupon It is ordered that the said Paper lye in the Office and that Sumons Issue requiring the Admin^{rs} to attend the next Setting and bring with them the Adm^{con} granted on the said Estate and Shew cause if they have any why the said Will should not be allowed of and Letters Testamentary accordingly granted thereon to the Ex^r therein named.

Upon a Caveat Entered by M^r Pugh against William Whiteheads obtaining a patent for a Tract of Land in Bertie precinct The same is continued till next council

Upon a Caveat Entered by Nathaniel Martin against John Martins obtaining a Patent for a Tract of Land of one hundred and Fifty acres lying in Pasquotank Lapsed in May Last And the Parties appearing and several Evidences on both sides Sworn and the Matter being fully debated This Board is of Opinion Nathaniel has not Seated and planted the Land pursuant to the Tenure of the Patent granted for the same It is thereupon Ordered that a patent Issue to the s^d John Martin as prayed for

Read the Petition of Richard Odam shewing that in the year 1704 he Entered four hundred acres of Land on the Honey pot swamp as by a copy of said entry appears and that Joseph Daniel knowing the said Entry procured a Verginia Survey and patent for the same Land calling it Two hundred and five acres altho the said Land then and now is part of this Province Praying a Caveat may be Entered against the said Joseph Daniels obtaining a Patent for the s^d Land and that he be permitted to proceed and survey his entry and Patent the same.

Thereupon it is ordered That Sumons Issue to the Parties requiring them to attend next Board

Read the Petition of William Gray shewing that John Bryant in the year 1723 obtained a patent for 640 acres of Land lying in Bertie precinct which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same.

Ordered That a Patent Issue as prayed for

Read the Petition of John Gray Shewing that William Gray in the year 1723 obtained a Patent for 640 acres of Land lying in Bertie precinct on Stone house Creek which is not seated as the Law directs Therefore prays a Lapse patent may be granted him for the same

Read the Petition of Julia Swain Shewing that Jacob Blount sometime agoe obtained a Patent for Two hundred and fifty acres of Land lying in Chowan which is not seated &c Therefore prays a Lapse may be granted him for the same

Ord^d that a Patent Issue as prayed for

Read the Petition of John Bond Shewing That Thomas Busby in the year 1719-20 obtained a Patent for 640 Acres of Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of John Pope Shewing That William Gray sometime agoe obtained a patent for Two hundred and fifty acres of Land w^{ch} is not seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a Patent Issue as prayed for

Read the Petition of Edward Lillington shewing that a Tract of Land patented by George Lillington sometime agoe lying at Allegator called the White Oak Land which not being seated &c Therefore prays a Lapse patent may be granted him for the same

Ordered that a patent Issue as prayed for

Read the Petition of George Lillington shewing that Edward Lillington some time agoe obtained a patent for a Tract of Land called the Back Land in Allegator which is not seated &c Therefore prays a Lapse patent may be granted him for the same.

Ordered that a patent Issue as prayed for

Read the Petition of William Turner shewing that Sam^l Northey sometime agoe took up and Patented 160 acres of Land lying on the North side of Little River which is not seated &c Therefore prays a Lapse patent may be granted him for the same.

Ordered that a Patent Issue as prayed for

Read the Petition of Ephriam Overman Shewing that John Pegg sometime agoe obtained a Patent for 40 acres of Land which is not seated & planted thereon as the Law directs Therefore Prays a Lapse patent may be granted him for the said Land

Ordered that a patent Issue as prayed for

Ordered that a New Comission of the Peace Issue for Beauford and Hyde Precincts directed to the old Members and Thomas Smith and Thomas Bonner

Ordered that a New Comission Issue for Chowan precinct directed to the old Members and Richard Parker and John Somner

Ordered that a New Comission Issue for Pasquotank precinct directed to the old members and Charles West Gabriel Burnham Rob^t Morgan and Mack Scarborough

Ordered that a New Comission of the Peace Issue for Perquim^s Precinct Directed to the old members and Joseph Jessop and Charles Perry

By order

J LOVICK Secty

[B. P. R. O. B. T. VIRGINIA. VOL. 18. R. 95.]

LIEUTENANT GOV^r GOOCH TO LORDS OF TRADE.

AUGUST 26th 1728.

My Lords

Having received advice that application hath been made to your Lordships for repealing a Law made here in the year 1726 for the more effectual preventing the bringing Tobacco from North Carolina and the Bounds in controversie: I take the first opportunity to Lay before your Lordships the reason of passing that Law & then to obviate some objections which I hear have been offered to your Lordships against it.

As the people of Verginia have from its first settlement applied themselves solely to the making of Tobacco so they have from time to time tied themselves up to such certain rules in the planting, tending, curing and packing of it as they judged most expedient to advance and support its Reputation in the European markets, and to prevent all fraudulent practices whereby their staple Commodity might be depretiated this naturally led them to consider and guard against the indirect practices of their Neighbours; since all their Regulations must have been rendered vain; if the next Province was left at Liberty to pour in upon them all such trash Tobacco they could make and to export it hence as the Manufacture of Virginia This so much concerned the Virginia Interest that to prevent it an Act was made in the year 1679 whereby the importation of Tobacco from Carolina & other Parts without the Capes was prohibited under the Penalty of Forfeiture thereof. This Act continued in force until the year 1705 when all the Lands of the Colony were revised and brought into one Body and then an Act almost in the same words was prepared against the importing Tobacco from North Carolina under

the like Penalty with the former; which last Act as I am informed, was seen and approved of your Lordships before it passed the Assembly here. But as neither of the Acts were found effectual to prevent the mischief Tobacco being still clandestinely brought in to Virginia from Carolina and shipped off there could be no forfeiture without a previous seizure. It was judged necessary by this last Act in 1726 to lay a further Penalty on the seller and purchaser of Such Tobacco which is all the Alteration this last Law has made in all the former Prohibitions. And if the Reasons upon which these Prohibitions are founded be just and prudent I doubt not the enforcing the same by an additional Penalty, will, by your Lordships be judged so too.

I hear only of three objections my Lords against the continuing of this Act. First That the discouraging the People of Carolina from making of Tobacco will lessen his Majestys Revenue.

The second. That it will force the people of Carolina upon Manufactures prejudicial to the Trade of Great Britain.

The third. That it is unjust and unneighbourly towards the people of that Province.

As to first I believe it is demonstrable that his Majestys Revenue is no ways increased by the importation of more Tobacco than can be consumed in Great Britain since for all of that which is exported the whole Duty is drawn back, and as the Tobacco made in Carolina is of that sort which must be exported being not fit for the home consumption, it is plain the customes will no ways be increased thereby, nor suffer any diminution if there was not one Pound made in that Province.

To the second, it must be annexed that the Inhabitants of North Carolina have been under the same restraint for these fifty years past and no such Manufactures have as yet been sett up amongst them and to be presumed that while they have other Commodities such as Pitch Tar, Pork, Rice, Hides and Tallow with which they have hitherto supplied themselves by way of Barter with the People of Virginia and the other Plantations there will be no danger of their undertaking Manufactures of their own where they are provided with very few materials and can be supplied by their neighbours at a cheaper Rate. But my Lords give me leave to Say that they who made this objection did not consider how much greater inconveniences may happen to the Manufactures of Great Britain should the Inhabitants of Virginia by an overstocking of the Tobacco Markets and in consequence thereof the lowering of its price, find themselves under a necessity of leaving off planting and endeavouring to cloath themselves with their own Manufactures, for which they

have abundant more materials both for Woolen and Linnen than the people of North Carolina can possibly have for many years.

As to the last objection of the injustice of our neighbours of Carolina who having no Ports of their own are denied the benefit of their neighbours Ports to ship off the produce of their Labour. Your Lordships I hope will allow me to say, according to the general Rule that every one ought so to use his own as thereby to do no injury to his Neighbour, which will hold good as well in common Policy as Morality So that the Inhabitants of Carolina have no reason to complain if they are restrained from making use of the Ports and Harbours of Virginia, when it is prejudicial to its own Trade and does manifest injury to its own Inhabitants if the people of Carolina will make Tobacco, and can ship it from their own Ports it will then be known where it was made and Virginia will receive no discredit by it, but if they will put off their Trash as the Product of Virginia it is a cheat upon the Buyer, and the general Trade of this Colony must suffer by it.

My Lords thus I have endeavoured to state this case in the clearest light I can and submit it to your Lordships judgement for as I had no hand in making the Law now in question, I am little concerned in its fate whether it stands or falls; only I should be sorry to find the people of Virginia disobliged by the Repeal of this Act, which has for a long time been judged of great importance to the Colony, when at the same time it only indulges a few in the next Province to employ themselves in that which will bring no Reputation to the Tobacco Trade and indeed if what the Merchants in England urge be true, that there is more Tobacco already sent from hence than can be vended in the European Markets: Your Lordships are the best judges whether the opening a new source be at this time seasonable

I am with great duty and respect

My Lords

Your Lordships

most faithfull and most

obedient humble servant

WILLIAM GOOCH.

Virginia

Augst 26th 1728.

[B. P. R. O. B. T. PROPRIETIES. R. 96. No. 12.]

CONTINUATION OF THE JOURNAL OF THE PROCEEDINGS OF THE [N. C.] COMMISSIONERS FORMERLY APPOINTED FOR THE GOVERNMENTS OF CAROLINA AND VIRGINIA TO SETTLE THE BOUNDARIES AND RUN THE LINE BETWIXT THE TWO COLONIES SEPT.—OCT. 1728

Having in March and April last pursuant to his Majesty's Order in Council and the Orders given by the Lords Proprietors caused a due West Line to run from Currituck Inlett to Black Water and so down to the Mouth of Nottoway and thence to red Oak on the West side of Maherron River about a Mile above M^r Kincheon's and at the Instance of the Commissioners of Virginia the Continuation of the said Line being mutually agreed to be deferred till the Fall when the Weather would be more suitable. The 10th of September was fixed for the Day of meeting on the Service again, but afterwards on the Request of the Governor of Virginia in a Letter to Sir Richard Everard Gov^r of North Carolina, it was consented to by the Commissioners on the part of Carolina to meet on the twentyeth of the sayd Month and accordingly on the 20th Sep^r 1728.

Friday The Commissioners on both sides met at M^r Kincheon's near the last Station on Maherron and concerted Measures for proceeding the next Day with the Line.

Saturday the 21st The Line was run from the last Station on Maherron River Viz^t by the Compass N^o 87½ W^t three Miles and 176 poles to a white Oak having in this Day's work crossed Maherron River and Camped this night with provisions Baggage &c. near John Hill's on the North Side of Fountains Creek.

Sunday the 22^d Remained in the Camp and M^r Fountain the Virginia Chaplain performed Divine Service.

Monday the 23^d The Line was run four miles and 5 poles to an old Field at the Mouth of Fountain's Creek on the South Side having in this Day's work crossed Maherrin River again this being the fifth and last time the Line crossed that River. Continued this Night at the former Camp near John Hill's.

Tuesday the 24th The Line was run Seven Miles and 52 Poles to a dead Hickory continued this Night still at the former Camp the Line

continuing up the Southernly Side of Fountain's Creek just so as to clear the low Grounds of the Creek excepting crossing one or two small Branches of it by which means a great Deal of bad Ground to proceed was avoided.

Wednesday the 25th The Line was run Seven Miles and 40 poles to a dead Hickory near Beaver pond Creek which is a Branch of Fountain's Creek and there camped that Night.

Thursday the 26th The Line was run ten Miles and 160 poles to a Stake sat in the Ground, to the Northward of which near a Branch encamped this Night being a small Branch of Fountain's Creek called Cabbin Branch.

Friday 27th The Line was run nine Miles and 104 poles to pigeon Roost Creek near Roanoke als Morattock River into which it issues.

Saturday the 28th The Line was run this Day 3 Miles and 298 poles to Roanoke als Morattock River which was crossed over a little above the mouth of 6 pound Creek, and after the Line was continued two Miles & 94 pole to a white Oak near W^m Natts in the whole 6 Miles and 121 po: this Day including the River which was 46 pole wide where we crossed it.

Sunday the 29th Remained in the Camp M^r Fountain performing Divine Service. A rainy Day, which was the first bad Weather Since our setting out with the Line.

Monday the 30th The Line was run four Miles & 220 poles having crossed Haw Tree Creek and a Small Branch of great Creek by the Side of which we camped this Night.

Tuesday Oct^r the 1st The Line was run Twelve Miles and 12 poles having crossed great Creek and Nutt Bush Creek, and Camped on high Ground near a Small Branch. This Night was made an observation to find the Variation of the Compass by the pole Starr and Cassiopea's knee and it was found to be near 2° & 50 W^t but this Observation not being so exact as to be depended on it was agreed to continue the former Course allowing the Variation 2° 30' untill a further Tryall could be made thereof.

Wednesday the 2^d The Line was run 9 Miles and 254 pole to Ohimpa Creek having crossed Mausea Creek and Yapato Creek a Branch of Ohimpa Creek. We camped this Night on the East Side of Ohimpa Creek on a Hill this Night Tryall was made again to find the Variation and it was found to be near the same as at the Mouth of Nottoway so it was agreed to continue the same course we had done.

Thursday the 3^d The Line was run eight Miles & 180. po. crossing Tewanko Creek and camped on the low Grounds to the Westward of it.

Friday the 4th The Line was run Seven Miles and 160 poles to Hyco-ote Creek having crossed Blew wing Creek and Camped in the low Ground of Hyco-ote.

Saturday the 5th The Line was run four Miles & 312 poles to a Chesnutt Oak having on this Day crossed a Southern Branch of Roanoke four Times it was about the Bigness of Maherrin River above the fording place, but at this time of the Year but little water in it, but discovered where the Freshes had been very high in it and by the Sand and Flatts and Banks and other Marks it was concluded on to be a Branch of the River which we took to be what is usually called the Southern Branch of Roanoke als Morattock, but as we were informed afterwards by old Cap^t Hicks and other Traders it is a Branch of the great Southern Branch on which last, far higher up is said to be the old Lawra Indian Town and at a Distance beyond that, the River winding Southernly runs under the Foot of the Mountains and lockes in with the Head of the Yapatto Yatkin or pedee River in South Carolina but the Mountains were judged to be at a great Distance from us in the Course our Line went: The Course of them being about South West or more Westernly. This Day on a very high Hill we caused a Man to climb up the Top of an high Tree but could make no Discovery: upon our Crossing the afore-said Branch of the River this Day the third time there was a very high red Banck on the West side judged above 50 foot High a very remarkable place and being of Opinion We had proceeded far enough we moved for a Conference with the Virginia Commissioners upon it but they desiring we would continue the Line till Night, it was agreed to, and we camped on the low Grounds of the River; in the Evening the Commissioners being all together, the matter was moved again and we the Commissioners for Carolina gave our Opinion that we had proceeded as far as the Service required, and that to go farther would be but a needless Charge and Trouble and therefore were willing to go no farther. It was answered by the Virginia Commissioners that they should not regard what we did, if we would not go with the Line any farther they would go on without us, but this was said only by two of them and Coⁿ Fitzwilliams not having declared himself we desired his opinion: to which he answered, there was a Majority of the Virginia Commissioners had declared themselves Then it was urged by the Carolina Commissioners that as all the Commissioners were appointed jointly to carry on the Work, we thought that the Matter should be concerted jointly, for we had understood by the

Silence of one of the Commissioners that he was of Opinion with us, but this Method was refused. Then we proposed that M^r Irwin whom we had formerly chosen, or any person we should mutually agree on might keep the Minutes of our Conference, but it was answered by them that any one might take what Minutes they pleased, they should take their own. Then the Debate was resumed again about proceeding farther and it was urged by us, that it was no where determined either by our Commission or by the King's Order how far we should go, and therefore that point was left to us, for his Majesty's Order only directed that the Line should be run towards the Mountains (which Surely could not be construed quite to the Mountains) and that the Bounds should be settled betwixt the two Governments which we had already done, not only thro' the Settlements but about fifty Miles without the Inhabitants And if at any Time hereafter Settlements should be made there, as was very unlikely in so barren a place, at least for a very long time, the Division might be continued by a Surveyor, on each Side, as Occasion required, We told them we had gone as far as we, on our part, proposed to ourselves, when we sett out or farther, and that we should proceed no further: Upon which they declared they would proceed without us, We told them their Commission might empower them to proceed without us, if we had refused to join at first with them: But we had joined with them and jointly with them run the Line, As far as was needfull; But however we were not to govern our Selves by their Commission from the Gov^r of Virginia; but his Majesty's Order in Council we submitted to, and having Settled the Bounds so far without the Inhabitants we thought we had fulfilled his Majesty's Order as well as the Lords proprietors. And further that his Majesty's Order in Council directed Virginia to join with Carolina in running the Line. We conceived they could not continue it further without Us, and if their Commission empowered them to do it, it exceeded his Majesty's Order, which we in all points acquiesced in. But they still insisted upon it, that they were determined to proceed without us; We told them it would be done ex parte And we asked them if they thought it would be a Boundary, they answered no, we told them it was then to little purpose for them to proceed, but as they pleased as to that, we should protest ag^t it, that their proceedings might be no ways Conclusive or binding to us. We then asked them if they would compleat the Line as far as We had gone, and exchange plans, which they consented to, provided it was ready by Monday morning, not to hinder them; We told them if it was work necessary a necessary time should be allowed it. But afterwards they were more moderate, it was also

propounded by the Carolina Commissioners that the proposals agreed on by the two Governments, which was the plan and Ground Work of our proceedings, required the fixing Natural Bounds where it could be conveniently done And that in several places where we had run the Line Natural Bounds could be more Commodiously appointed, which on our part we were willing to settle and agree to, which they answered they would not undertake to determine that Matter, we told them, the proposals had referred it to the Commissioners, nor could any else so well judge of the Conveniences and advantage of the Settlements, nor know the Difference and the Lands so well for Quantity and Quality to make proper Exchanges and Equivalents; but they utterly refused to intermeddle with it, which made us suspect they had some design by representing the Matter Home in their own Favour to get such Natural Bounds fixed as might be to the prejudice of our Country. And this we thought proper to minute down. Afterwards we of Carolina on Conference among ourselves, lest any Handle or Advantage might be made to our prejudice by their proceedings, thought it best to make our protest: And our Instructions also requiring Us upon any Difference, that we could not accommodate with them to enter our Dissent and give them a Copy, which accordingly we determined to do before we parted.

Sunday. Oct^r the 6th The parson performed Service, Afternoon Plans were drawn by the Surveyors and every thing preparing to finish, and having got over all Disputes all parties were in better temper, and passed the Evening in our old Company very chearfully and amicably.

Monday. the 7th This Day our plans being finished having mutually Signed them they were exchanged; this We conceived to be a tacit Confession in them, that We had done with the Bounds, and that they could not carry on the Bounds alone: however as they persisted in their Design to proceed we prepared our Protest, wherein we avoided every thing that might look like Reflection, tho we had many reasons to induce us to believe their proceeding further was not altogether for the publick, for tho' we were determined to yield no point to the prejudice of our Country, Yet were desirous to proceed with all Decency and Temper, and accordingly very briefly entered our Dissent to their proceeding with the Bounds with our General Reasons that induced Us to desist which having read to them, We delivered them a Copy of, and they accepted without any reply to it, which was in these words.

We the Underwritten Commissioners for the Government of N^o Carolina in Conjunction with the Commissioners on the part of Virginia having run the Line for the Division of the two Colonies from Currituck

Inlett to the Southern Branch of Roanoke River being in the whole about One hundred and Seventy Miles and near fifty Miles without the Inhabitants being of Opinion that the Line was run as far as would be requisite for a very long time and judged the carrying it farther would be a needless Charge and trouble, and the Grand Debate which had so long subsisted between the two Governments about Wyanoke River or Creek being settled at our former Meeting in the Spring when we were ready on our part to have gone with the Line to the Utmost Inhabitants which if it had been done the Line at any time after might have been continued at an Easy Expence by a Surveyor on each Side, and if at any time hereafter there should be Occasion to carry the Line on further than we have now run it (which we think will not be in an age or two) it may be done in the same easy Manner without the Expence that now attends it. And on a Conference of all the Commissioners we having communicated our Sentiments, thereon declared our opinion that we had gone as far as the Service required and thought proper to proceed no further. To which it was answered by the Commissioners of Virginia that they should not regard what we did; But we conceived that by Virtue of his Majesty's Order in Council they were to act in Conjunction with the Commissioners appointed for Carolina. And having accordingly run the Line jointly so far and exchanged plans thereof objected that they could not carry on the Bounds Singly, but that their proceeding without Us would be irregular and ivalid, and that it would be no Boundary, and thought it proper to enter our Dissent thereto Wherefore for the Reasons afores^d in the name of his Excellency the palatin and the rest of the true and absolute Lords proprietors of Carolina. We do hereby Dissent and disallow of any further proceeding with the Bounds without our Concurrence therewith, and pursuant to our Instructions do give this our Dissent in Writing Dated at a Southern Branch of Roanoke this Seventh Day of October 1728.

About two of the Clock we parted very complacently wishing them a Good Journey to the Mountains and they us Home, and Co^{ll} Fitzwilliams One of the Commissioners returned back with us. This Night we camped at Blew-wing Keeping a Watch, our Numbers being reduced and we in the Road-way of the Northern Indians.

Tuesday Wednesday and Thursday we Travailed and got to Francis Young's on Morattuck River where we parted and took Several Courses Home being favoured with Good Weather most of the time we were out, having had the Good Luck too to miss several very bad places to have passed, Especially at Fountains' Creek and Morattock River which made

us perform the Business in much Shorter Time than we at first expected. And thus with God's Blessing we have settled the Bounds that have been so long controverted betwixt the Two Governments having observed his Majesty's and the Lords proprietors Orders; and we hope given satisfaction, having used our greatest Care and best Endeavours in it, with this Happiness that in the whole proceeding there was not on our part the least Animosity or Heat among us; and if at any time there was any Difference in Opinion it was argued and agreed before we ever came into Debate with the Virginia Commissioners: which Harmony and Accord we cannot help mentioning, not only as it was a Singular Pleasure to Us, but of great Service to the Work we were upon.

J. LOVICK

C. GALE

W. LITTLE

E. MOSELEY.

[B. P. R. O. B. T. VIRGINIA. VOL. 19. R. 125.]

THE 2nd PART OF THE JOURNAL OF THE DIVIDING
LINE BETWEEN VIRGINIA & NORTH CAROLINA
BEGUN THE 19th SEP^r 1728.

September 19th The Commissioners on the part of Virginia having made the necessary preparations for continuing the dividing line between this Colony & North Carolina arrived after a Journey of 3 days near the place where the said Line was discontinued in April last. They found three of the Carolina Commissioners on the Spot, with whom they concerted the proper measures to carry on the business with effect.

Sep^r 20 This being the day agreed on for our meeting, it was spent in fixing our baggage & assembling the men who were to attend us. We examined their Arms, & made proof of the powder which had been provided for the Expedition. Our bread was hindered from coming up by the rain w^{ch} fell two days ago: but to prevent being delayed by such a disappointm^t the men had been ordered to furnish themselves with provisions for ten days. Mr Moseley the fourth Commissioner for North Carolina join'd us in the afternoon, but their Surveyor came not to us till several days after.

21. We dispatch away the Surveyors about 9 in the morning who with all their diligence could not carry the Line further than three miles & 176 poles, because the low grounds were covered with thickets. In this distance they cros'd Maherin River the fourth time. In the mean-

while the Commissioners march'd with the baggage (which could not pass thro' those difficult ways) about 10 miles, to a plantation belonging to John Hill with design to wait there for the Surveyors, and the men that attended them.

22. This being Sunday we rested the men & the horses. Many of the Neighbouring Inhabitants came to hear Divine Service, which was a rarity in those parts, & brought Eleven children to be christened. In the afternoon the bread arrived in our Camp under a guard of 3 men, which had been retarded by the rain, but such precautions were taken, that it received no damage thereby.

23. We continued in our Camp, but sent the Surveyors & ten men to the place where they left off on Saturday. The Grounds thro' which the Line passed were so intolerably full of bushes, that they could carry it only four miles and 5 poles. This days work cut Maherin the 5th & last time, & our people were glad to quit of a River whose Meanders had given them so much fatigue & perplexity. It rained a little in the evening, but very hard in the night with a violent storm of thunder & lightning. Our men kill'd four wild Turkeys.

24. So soon as the men could dry their blankets, we sent out the Surveyors who by the advantage of better ground, advanced the line 7 miles & 52 yards. However the baggage not being very dry, we all thought it proper to remain with the rest of the people in the same Camp believing we might easily overtake the Surveyors by the next day in the evening. We sent out some of our most expert gunners, who shot four more Wild Turkeys. This part of the country being very proper for Stock, the people live in great plenty with very little labour. Amongst many other good things they make tolerable Cheese, and have very fat Mutton. Our Chaplain Christened another Child.

25. The Surveyors met with pretty clear woods, & pusht on the Line 7 miles & 40 poles. The Commissioners moved with the baggage & the rest of the men, with which they marched about 12 miles & encamped on Beaver-pond Creek. The Surveyors finished their days work near the same place. On our way hither one of the men killed a small Rattle snake with only two Rattles. These vipers remain in vigour generally until towards the end of this Month, & sometimes later, if the weather continue anything warm. And therefore least any of our men might have the misfortune to be bit by them, we had provided no less than three sorts of Rattle Snake root, made up in proper doses.

26. We hurried away the Surveyors without loss of time, & they ran the Line 10 miles and 160 poles. By the way the Chain carriers killed

two large Rattle snakes, which providentially had hurt none of the three persons that had slept over them. However one of these serpents had struck with great fury at a horse, but by mistake touched only his hoof, and did him no damage. Before we set off this morning two children were baptized. About four in the afternoon we encamped upon Cabanbranch which discharges its waters into Fountain's Creek, so called from the name of an Indian Trader who had been drown'd in it. Upon our way we saw several meadows and Branches full of Reeds, in which Cattle will keep themselves fat great part of the winter. But the hogs do great damage to both by rooting them up.

27. Our Surveyors got to work about ten o'clock, & meeting with clear woods carryed the Line 9 Miles & 104 poles. We followed with the baggage about 11, leaving three of the Carolina Commissioners and their attendants to wait the coming up of the Cart on which they had loaded the greatest part of their provisions. We followed the Line with all Diligence, crossing just Pea-hill Creek, and not long after Lizard Creek, which last empty's itself into Roanoke River. Here we halted till our Chaplain baptized five Children, & then proceeded as far as Pigeon roost Creek, where we took up our Quarters, having only M^r Moseley of the Commissioners of Carolina along with us.

28. We sent out the Surveyors early but they could forward the Line no farther than 6 miles & 121 poles, by reason of the very uneven grounds near Roanoke River, over which the Line past in this days work. The River is 49 poles wide in this place, & has a swift stream of very clear water. The great falls of it lye near 20 miles lower, tho' there are many smaller falls above. It forks about 18 miles higher than where the Line intersected it. The two branches differ not much in breadth, one runs away about N. W. and heads not far from the source of Appomattuck River, and the other stretches away pretty near west, & hides its head in the mountains. We did not follow the Surveyors till after ten, being detained in our Camp to Christian 6 Children. We hutted at a Plantation belonging to Maj^r Munford under the care of Miles Riley, whence we met with many Refreshments. From thence we continued our journey to the Canoe landing upon Roanoake where we and our baggage were ferried over, but we ordered the horses to the Ford near a mile higher, which leads to the Indian trading path. We landed at another Plantation belonging to Maj^r Munford on the south shore of this River, where we pitched our Tent. One of our men put a large Rattlesnake to death, having a squirrel in its belly, the head of which was already digested. Another less viper of this sort was killed by one of the Chain carriers.

All these instances prove plainly, that the deferring the time of our meeting on this business till the 20th Instant was both prudent and necessary.

29. We had Divine service & a sermon, at which several of the neighbours assisted. We Concluded all with baptizing of five Children. About four in the afternoon the Commiss^{rs} who had stayed behind came up with us. In the evening five of the Saponie Indians arrived in our Camp & offered their service to attend us on the line. We had sent to Christanna for two of their ablest huntsmen to go along with us in order to supply us with meat, that our men might not be drawn off from their business, & struggle too much. This was the more necessary because we had put the Government to no other Charge for provisions but only Bread, trusting to Providence for meat with which the woods abounded. Of these five Indians we hired only two, who accepted of the moderate Terms we proposed to them. It rained hard about noon & dispersed our Congregation, most of which had no shelter but the Heavens.

30. The rain which fell in the night had made everything so wet, that we could not send out the Surveyors till noon. For this reason they were able to proceed no further than 4 miles 220 poles. About two miles from our Camp we passed over Haw Tree Creek & in our way traversed poisoned fields, and very barren ground. We also crossed the path in which the Indian Traders go to traffick with the Cattabaws and other Indian Nations, which lye to the S^o West, we killed a bear so lean that none of the men would eat it.

October 1st The Surveyors went out early, & by the benefit of clear woods and level ground Carried the Line 12 miles & 12 poles. We forded over great Creek not far from our last Camp & between 7 & 8 miles further cross'd Nut Bush Creek, so called from the many Hazles that grow upon it. We encamp't on a branch that runs into Nut Bush Creek. The Surveyors taking advantage of a clear night try'd the variation & found it something more than 2° 30'; so that it did not diminish by approaching the mountains, or advancing towards the West, or by encreasing our distance from the sea, but continued much the same that we had found it at Corotuck. One of the Indians shot a large Fawn but not very fat.

2. The Surveyor's hasted away by 9 o'clock & ran the Line 9 miles 254 poles. Little more than three miles from our last Camp we forded a Creek called Massamong, an Indian name signifying painted-water from red oker found on the banks of it, which in a flood tinges the water. Three miles further we made a hard shift to pass over Yapatsco or Beaver Creek, the water being damm'd up by these industrious animals

so high as to make the fording of it difficult. Then we proceeded 3 miles 174 poles beyond that & encamp't on the West side of Ohimpamony Creek, signifying in the Indian Language fishing Creek. On our way we shot a Wild Cat as he was making good cheer upon a Fox Squirrel, They likewise killed three Deer, which made great plenty, & Consequently great Content in our Quarters.

3. The Surveyors got to work by nine o'clock & push'd the Line 8 miles 160 poles. We crossed several runs of Excellent Water, & traversed a large Level of rich High Land near two miles in breadth. As we rode along we saw many plain buffalo Tracks, and abundance of their dung very fresh, yet could not as yet see one of those animals. The noise we made they heard at a distance, & withdrew from our sight. These creatures seldom range alone but herd together like tame Cattle. They are seldom found more northerly than 36° because they delight much in Canes & Reeds, that grow plentifully to the Southward. We encamp't on Tewohomony signifying Tuskeruda Creek and supt plentifully on two Deer which Providence brought in our way.

4. We got to work a little after nine, & extended the Line 7 miles & 160 poles, notwithstanding the ground was very uneven. In the distance of about five miles we forded blew wing Creek, and almost 3 miles beyond, that we cros'd Sugar Tree Creek, so named from the many trees of that kind which grew near it. We took up our Quarters on the next side of this Creek which makes very wide low grounds, sometimes on one side, and sometimes on the other, while on the opposite shore the high land advances close to the Creek. One of the men saw three Buffaloes, but his gun being loaden only with shot, could do no execution on their thick sides. But this disappointment was made up by four Deer & four Turkeys killed by some other of the Company.

5. This day we met with such uneven grounds, and such thick woods, that with all the Industry we could use, we could advance the Line no more than 4 miles and 312 poles. In this small distance it intersected a large Creek four times, which our Indians mistook at first for the South branch of Roanoake River, but were convinced afterwards that it was Hico-otto-mony Creek taking its name from the roosting of Turkeys-buzzards on the trees that grow near it. About four in the afternoon the Commissioners for Carolina acquainted us for the first time, that they would attend the Line no farther. We were surprized at this unexpected Resolution, not dreaming we should have their Company no more than fifteen days. However though they could content themselves with leaving the business unfinished, we could not, but determined to proceed with-

out them, and push the Line on as far as the Mountains. Nevertheless we agreed to sign Platts of the Line as far as we had carried it together provided they could be prepared by Munday noon, when it intended to proceed without loss of time, the season being now far advanced.

6. We remained in our Camp this day being Sunday, and had prayers but no sermon, by reason our Chaplain was indisposed. The Carolina Commissioners in the mean time were employed in forming a Protest against our proceeding any further on the Line without them. When the Divine Service was over the Surveyors finished their Plats, which were signed by the Commissioners on both sides. In the afternoon M^r Fitzwilliam acquainted us that being of opinion we could not by his Majesty's order carry on the Line, but in Conjunction with the Commissioners of North Carolina, he intended to return to Williamsburg the next day.

This morning the Carolina Commissioners delivered us the Protest they had drawn up the day before, in the words following.

We the underwritten Commissioners on the part of Virginia, having run the Line for the Division of the two Colonies, from Corotuck Inlet to the Southern branch of Roanoake River, being in the whole about 170 miles, and near 50 miles without the Inhabitants being of opinion we had run the line as far as would be requisite for a long time, judged the carrying it farther would be a needless change & trouble, and the grand Debate which had so long subsisted between the two Governments about Weyanoke River or Creek being settled at our former meeting in the Spring, when we were ready on our parts to have gone with the Line to the utmost Inhabitants, which if it had been done, the Line at any time after might have been Continued at an easy expense by a Surveyor on each side, and if at any time hereafter there should be occasion to carry the Line on farther than we have now run it, which we think will not be in an age or two, it may be done in the same easy manner without the great expense that now attends it: And on a Conference of all the Commissioners, we haveing communicated our sentiments thereon declared our opinion, that we had gone as far as the service required, & thought proper to proceed no farther; to which it was answered by the Commissioners for Virginia, that they should not regard what we did, but if we desisted, they would proceed without us. But we conceiving by his Majesty's Order in Council, they were directed to act in conjunction with the Commissioners appointed for Carolina, And having accordingly run the Line jointly so far, and exchanged Plans thought they could not carry on the Bounds singly, but that their proceedings without us would

be irregular and invalid, and that it would be no Boundary & thought it proper to enter our dissent thereto. Wherefore for the reasons aforesaid in the name of his Excellency the Lord Palatine, & the rest of the true & absolute Lords Proprietors of Carolina, we do hereby dissent and disallow of any further proceeding with the Bounds without our concurrence & pursuant to our Instructions do give this our dissent in writing.

EDWARD MOSELEY

C. GALE

WILL: LITTLE

J. LOVICK

Oct^r 7th 1728

Tho the following Answer to this protest was not immediately returned, yet it can't be placed better than next to it, that the arguments on each side may be fairly compared & understood.

AN ANSWER TO THE FOREGOING PROTEST.

Whereas on the 7th of October a paper was delivered to us by the Commissioners of North Carolina in the stile of a Protest against our carrying any further without them the dividing Line between the two Governments, we the underwritten Commiss^{rs} on the part of Virginia having maturely considered the reason offered in the said Protest, why those Gentlemen retired so soon from that service, beg leave to return the following answer.

They were pleased in the first place to alledge by way of reason, that having run the Line near 50 miles beyond the Inhabitants. It was sufficient for a long time, & in their opinion for an age or two. To this we answer that by breaking off so soon, they did but imperfectly obey his Majestys Orders Assented to by the Lords Proprietors. The plain meaning of that Order was, to ascertain the Bounds between the two Governments as far towards the mountains as we could, that neither the Kings Grants may hereafter encroach on the Lords Proprietors, nor theirs on the Right of His Majesty. And tho' the distance towards the Great Mountains be not precisely determined by the said Order, yet surely the West Line should be carried as near them as may be, that both the Lands of the King & the Lords may be taken up the faster, and that His Majesty's subjects may as soon as possible extend themselves to that natural barrier. This they will certainly do in a few years, when they know distinctly in which Government they may enter for the Land, as they have already done in the more Northern parts of Virginia. So that 'tis strange the Carolina Commiss^{rs} should affirm that the distance of 50 miles above the Inhabitants should be sufficient to carry the Line for

an age or two especially considering that two or three days before the date of their Protest Mr Mayo had entred with them for near 2000 acres, within five miles of the place where they left off. Besides if we reflect on the richness of the soil in those parts and the convenience for stock, we may foretell without the Spirit of Divination that there will be many Settlements higher than those Gentlemen went in less than ten years, & perhaps in half that time. The Commissioners of North Carolina protested against proceeding on the Line for another reason, because it would be a needless Charge & trouble, alledging that the rest may be done by one Surveyor on a side in an easy manner, when it shall be thought necessary. To this we answer that frugality of the publick money is a rare vertue: but when the public service must suffer by it, it degenerates into a vice, & this will ever be the case, when Gentlemen execute the orders of their Superiors by halves. But had the Carolina Commissioners been sincerely frugal for their Government, why did they Carry out provisions sufficient to support them & their men for ten weeks, when they intended not to tarry half that time? This they must own to be true, since they had 1000 lbs of provisions along with them. Now after so great an experience in their preparations, it had been no mighty addition to their charge, had they endured the fatigue of 6 or 7 weeks longer. It would have been at most no more than what they must be at whenever they finish their work, even tho' they should think proper to trust a matter of that importance to the management of one Surveyor who must have a necessary force to attend him both for his assistance & defence. These are all the reasons the Gentlemen think fit to mention in their Protest, tho' indeed they had still a stronger argument for retiring so abruptly which because they forgot it will be neighbourly to help them out. The provisions they brought with them for want of horses to carry them, were partly left behind, & what they could bring was husbanded so ill that after eighteen days (which was the whole time we had the honor of their company) they had no more by their own confession left than two pounds of bread for each man to carry them home. However tho' this was an invincible reason to these Gentlemen for leaving the business unfinished, yet it could be none to us, who had at that time Biscuit for seven weeks longer. Therefore lest their want of management, might put a stop to his Majestys service we thought it our Duty to proceed without them & have extended the dividing Line so far West, as to leave the Great Mountains on each hand to the eastward of us. And this we have done with the same fidelity & exactness, as if those Gentlemen had continued with us. Our Surveyors (whose integrity I am persuaded they will never

call in question) continued to act under the same oath, which they had done from the beginning. But notwithstanding all this, if the Government of Carolina should not hold itself bound by that part of the Line, which we made without the assistance of its Commissioners, yet we shall have this benefit at least, that His Majesty will know how far his lands reach towards the South, and how far they may be granted without Injustice to the Lords Proprietors. To this we may also add, that having the authority of our Commission to act without the Commissioners of North Carolina in case of their disagreement or refusal we thought ourselves obliged upon their retreat to finish the dividing Line without them, lest His Majesty's service might suffer by any neglect on their Part

W. BIRD

WILL. DANDRIDGE

December 14th 1729.

After having adjusted our business with the Carolina Commissioners, we took our leave directing our course towards the West, while the pursued theirs towards the East Mr Fitzwilliam taking one of our men to attend him home, we hired one of the Carolina men to supply his place. It was two in the afternoon before we set out which together with the Thickets we encountered hindered us from carrying the Line further than 2 miles & 260 poles. In this distance we crossed Hicco-otto-mony Creek the 5th time, & took up our Quarters near Buffalo Creek, so called from the many signs of that shy animal. The bushes were so thick that we were obliged to cover our bread bags with the skins of the Deer we had killed. Our men shot a fat Buck & several Turkeys.

8 We hurried the Surveyors out at 9 o'clock, yet the woods continued so thick, that we could advance no more than 4 miles & 20 poles. Our clothes suffered very much by the bushes, & it was as much as our hands could do to preserve our eyes in our heads. Our poor horses could with difficulty force their way betwixt the Saplings with the burdens on their backs. These misfortunes hindered some of the baggage from reaching the Camp this night. We quartered near a Spring of very fine water, which the poor men wanted that guarded the baggage, but they comforted themselves with some of the rum they had under their care. The Indian killed a very fat Doe just time enough to hinder us from going supperless to bed. We had now no more than one Indian left, the other being gone back with the Commissioners of Carolina, by reason he thought himself not well enough to undergo the fatigue of so long & difficult a journey.

9. The Surveyors went to work about nine this morning but because the Bushes were so intolerably thick at first setting out, we ordered four

men to clear the way before them, but after a mile of these rough Woods, we had the pleasure to meet with clear and even grounds, by the help of which we carried the Line 6 miles exactly. The baggage came up with us about noon, & the men that guarded it had been half starved in the midst of plenty, not having dared to eat, for fear of inflaming their thirst. But we supplied all their wants. The Land was generally very good which we past over this day, one proof of which was that plenty of Angelica grew upon it. Our Indian shot a Mountain Partridge resembling the common Partridge in the plumage but as large as a hen. We saw several Deer but were so unlucky as to kill none. In several places we found very good slate.

10. We began this day very fortunately by shooting a fat Doe & two Turkeys. One of the men was unluckily heard this morning to wish himself at home, for which he was publicly reprimanded, & asked before all the rest whether it was the danger or fatigue of the Journey that disheartened him. This seasonable reproof put an end to all Complaints, & no body after that was known so much as to wish or show any marks of uneasiness. We Crossed Coquade Creek 180 poles from our Camp, & 286 poles from thence we intersected the south branch of Roanoke River the first time. Where we forded it 'twas 29 poles broad, having a small Island of Canes near the Western shore of it, which the Line cut. The Western bank of this fine River was bordered with tall Canes a furlong deep, so that it Cost much time to cut a way through them wide enough for the baggage. The stream ran about 3 miles an hour, & the water was as clear as Crystal. The bottom was gravelled & spangled very thick with small flakes of mother of Pearl, that almost dazled our eyes. The sand on either shore sparkled with the same shining substance. The difficulties of passing the River, & cutting our way thro' that forest of Canes, hindered us from extending the Line farther than 3 miles & 260 poles. The days work ended a few poles to the westward of Cane Creek, about two miles & a half beyond the River. Our horses were fond of these Canes tho' they purged them a little at first, the Men killed a Deer & several Turkeys, but the Indian begged earnestly that our Cook might not boil Venison & Turkey together; for fear of spoiling his luck & making a Famine in our Camp, tho' we did not humour his superstition desiring to convince him there was nothing in it.

11. The Surveyors got to work by nine, & proceeded with the Line 6 miles & 240 poles. In the distance of 4 miles & 60 poles we crossed the River a second time, & found it something narrower than before, being no more than 24 poles over. The Western shore of it was thick set with

large Canes, tho' not for so great a breadth as where we passed it first. It Continued a most beautiful River, murmuring among the Rocks which were thinly scattered, here & there to make up the variety of the prospect. From thence to the end of our days work, which was something more than two miles, we found the Land broken, & the thickets very troublesome. This day we made the first discovery of the Mountains, tho' at a great distance to the N. West of our Course. We killed a Buck, & the Indian a Turkey, but he would not bring it to the Camp, lest we should boil it with our Venison, as we had done the evening before. In many places we found very promising Limestone.

12. The Surveyors got to work a little after nine, but were so intangled with bushes & grape Vines, that they could extend the line but 5 miles & 28 poles. The Vines grow very rank & grow up almost every Saplin, which shows how natural both the soil & the climate are for making of wine. We judged by the great number of Chestnut Trees that we approached the Mountains, & in truth several of the men discovered them plainly. We killed a young bear of two years old; the flesh of it was of a high relish inclining a little to the taste of Pork, most of the people preferred it to Venison, tho' it was inconvenient Diet in one respect, because they ate more bread with it.

13. This being Sunday we rested from our fatigue, & had a sermon. In the afternoon we had leisure to weigh to each man his weekly allowance of Bread, which hitherto had been 5 pounds, but from thence forth we thought it necessary to shorten their allowance to 4 pounds which with plenty of meat was sufficient. The men killed abundance of Turkeys, & saw the mountains distinctly from the neighbouring hills. The weather was lowring & threatened rain which made us take the necessary precaution for securing our bread in time.

14. It began to rain about 3 in the morning, nor did it hold up till near noon, which made us give over all thoughts of decamping. The men went out a hunting after dinner, & killed 3 Deer & 4 Turkeys with which they fortified themselves against the damp weather. At 6 in the evening it rained again, & held not up till nine when the clouds brake away, & gave us a sight of the stars. It was observed when the men had plenty of meat, and nothing to do, they kept cutting all day long to preserve them from idleness.

15. The weather promising to be fair, we dried our baggage with all diligence, but could not set the Surveyors to work till 12 o'clock. At the distance of 240 poles from our Camp, the Line cross'd the River a third time, & one mile & 7 poles beyond that, it cut it the 4th time. In

both places it was something narrower than formerly, but deeper, with Canes growing on the Banks tho' always most on the West side. The difficulty of crossing the River each time retarded our business so much, that we could push the Line but one mile & 300 poles. Our baggage did not cross the River at all, but went round the Bent of it. We forded a large Creek both sides of which afforded plenty of Canes, which from the dark colour of the water, we called Sable Creek. In the evening we encampt on a pleasant ground that commanded the prospect of both Reaches of the River.

16. The Surveyors hurried away & proceeded with the Line 4 miles & 311 poles. At the end of their days work they came upon the River the 5th time, over which we could not find a safe ford. On our way we crossed a small Creek not far from where we lay on which grew abundance of Canes. About 3 miles distance we forded a larger Creek, which we called Low land Creek from a great breadth of low ground made by that & the River. We were obliged to go two miles higher than were our Line butted upon the River, in quest of a Ford, & in that distance passed by several Indian old Fields where the Sauro's had formerly planted Corn; their town not lying far off, which is now deserted. Our people killed no less than 4 Bears, one Deer & 3 Turkeys, so that this was a land of plenty both for man & beast.

17. Our Surveyors moved early, being obliged to go back near two miles before they could get over the River. Nor was it without difficulty & some danger that we crossed this Ford, being full of Rocks & holes, with a current trembling over them so swift that it made us giddy.

However thank God we all got over safe, with no other damage but wetting a little of the bread. This puzzle of getting over the River, & the rough woods we had to encounter, hindered us from extending the Line further than 2 miles & 250 poles, to the banks of Cascade Creek, so named from the many waterfalls we observed in it. In the Course that we conducted the baggage, we traversed rich high Land & clear of underwood. In this days journey as in many others before, we saw very beautiful marble of various colours, & near the banks of this Creek we observed a stone of a fine grain that flakes naturally into thin pieces proper for pavement. About a mile to the N. West of our Camp, was a high mount that Commanded a full prospect of the mountains, & an extensive view of all the flat Countrey. Our men killed a Cubb & a Fawn. We took up our Quarters the sooner, because we were threatened with rain.

18. The weather clearing up with a brisk N. Wester, our Surveyors were dispatch a little after nine, & ran the Line 6 miles & 30 poles to a branch of the Dan, which we called the Irwin. The neck of Land made by the forking of the River, is supposed to be the place of the old Sauro Town. On our way we passed over a large Level of rich land covered with thickets for 4 miles together, but in all that Distance we could meet with no water. We forded the Irwin with difficulty, by reason of the slippery Rocks on which the horses could hardly keep their feet. Our Indian Killed a Doe extremely fat.

19. About 9 the Surveyors took their departure, & proceeded with the Line 5 miles and 135 poles, nor was it a small days work, considering the way was much more uneven and fuller of bushes than ever. Four miles & 12 poles from the Irwin we crossed Matrimony Creek, so called from being a little noisy. In our march we saw a small Mountain 5 miles to the N. West, which we named the Wart. It was late before we encamp't because we endeavoured to find a plentiful place for the horses, which now began to be very thin & weak, but night coming on we were forced to take up with uneven ground, so over run with Saplings, that we could not see ten yards round us, nor was there any picking for the horses, except a little wild Rosemary, of which they are very fond: but it grows so thin, they can never fill their bellies with it. We killed nothing but a Turkey.

20. It was now Sunday which we spent as we ought, but the Indian who knows no distinction of days, went out & killed a monstrous large Bear, which came very seasonably, because the men having nothing else to do, had eat up all their meat. The woods had been so full of smoak for several days, that we had quite lost sight of the mountains, tho' we approached them every day. There was plenty of wild grapes near our Camp, that were very sweet, & might doubtless be improved & made much larger by cultivation.

21. We got to work a little after nine, yet the hills were, so sharp, & the bushes so troublesome, that the Line could advance no more than 4 miles & 270 poles. One of our men going out in quest of his horse, lost himself, being no expert woodsman, but we sent two others to look for him, who by good fortune found him in despair of ever seeing us again, & brought him to the Camp. However his horse could not be heard of, tho' we sent several men to beat all the neighbouring woods, but to no purpose. The smoak still continued to hide the mountains from our sight. The Indian killed a very fat Bear.

22. This morning early we sent back two men to make a second search for the horse that was missing, but they returned without success. The Surveyors carried the Line only 1 mile & 230 poles. We crossed a small Creek called Miry Creek, several of the men having been mired in the branches of it. Our Line intersected another River, that runs out of the Dan, which we called the Mayo. We forded it just below a ledge of Rocks, & took up our Quarters on the Western bank of it. This River empties itself into the Dan about a quarter of a mile below the place where we encamp. The men killed a Deer & 6 Bears.

23. The Surveyors moved before 10 this morning, & could proceed with the Line no more than 4 miles & 69 poles. At the distance of 62 poles from our camp, we forded the Dan the 6th & last time. It was not without difficulty that we got over, tho' thank God it was without Damage. It was very Mountainous great part of the way, & the last mile we encountered a locust thicket, interlaced all the way with briars & grape vines. In our Course we crossed a large Creek no less than 5 times, whose banks were so steep we were obliged to cut them down with a Hoe, which we carried with us for that purpose. We called this Crooked Creek, because of the perpetual windings of it. The sides of it abounded with Canes, which were very seasonable for our poor horses, that were jaded with clambouring up so many precipices.

24. The Surveyors got out sooner than ordinary this morning the men having no breakfast to provide, which used to detain them. It seems that they had been so unthrifty as to eat up all their meat for supper the night before for which they were obliged to fast this morning. However one of them singed all the hair off of a Bear skin, and boiled the pelt into broth, with which he & his particular friends broke their fast. The Line was carried 6 miles & 300 poles & in that distance crossed Crooked Creek 8 times more. We traversed a thicket about two miles in breadth full of Locusts & Hickory Saplings which are tokens of a rich soil: but there was hard by a great tree to be seen. After this our way was very mountainous & the woods very open, except the last half mile, which was full of bushes & grape vines. We were obliged to quarter in a place of great scarcity for the horses, but the men fared better by the good fortune of the Indian, who shot two Bears one of which we found asleep.

25. The Surveyors went out early yet were not able to push the Line further than 4 miles & 205 poles. The woods were so very thick for near 4 miles that they tore the very deer skins that guarded the Bread bags. The air cleared up this morning, & we were agreeably surprised

with a plain prospect of the mountains both to the North & South of the Line. Those in the North rose 3 distinct ledges one above another, but those to the South formed no more than one single ledge, & that not entire, but in some places broken & interrupted. One of these mountains was prodigiously high, & the west end of it terminated in a horrible precipice. Their distance on either hand did not seem to exceed 6 miles. The course of those to the Northward ran W. S. W. & those to the Southward about W. N. W. We could discern other mountains in the course of our Line, at a greater distance where the 2 ridges seemed to join & formed a natural Amphitheatre. Our hunters were so unlucky as to see no Game so we had no other supper, than the scanty remains of yesterdays plenty.

26. The Surveyors measured no more than 300 poles this day to a small Rivulet running to the Southward. This we judged was either a branch of Roanoke or else of deep River, which the Traders say is the North branch of Cape Fear. We determined to proceed no further West with the dividing Line, because the hills began to be so high & steep that they were not practicable for horses, especially not for ours, which had been jaded with so long & difficult a Journey. Besides our Bread was grown too scanty, & the season of the year too far advanced. We had also reason to expect snow & rain, which would raise the Rivers, & so hinder our return, perhaps for the whole winter. The last Line Tree was a Red Oak, with the trees blazed all round it. Near the place where we encamp we found a pair of Elkshorns, & discovered the track of one of them very plainly. They Commonly range to the Northward as Buffalo's do to the Southward, & these love a plain Country whilst the others delight amongst the Hills, & seldom come down so Low as the Inhabitants. The whole distance from Corrotuck Inlet to the Rivulet where we made an end is 241 miles & 230 poles, & from the place where the Commissioners of N. Carolina left us, to the end of the Line is 72 miles & 302 poles most of it hilly & exceedingly full of Underwoods.

27. This being Sunday we were not wanting in our thanks to Heaven for our constant sustenance & protection during the whole Journey to this place; nor did our Chaplain fail to put us in mind of our Duty by a sermon proper for the Occasion. Upon inquiring into our Quantity of bread, we found we had no more left than would last us a fortnight at short allowance. For this reason after the distribution was made, we recommended it to the men to manage it to the best advantage, not knowing how long we might be obliged to subsist thereon. We ordered them all to look well to their horses, & drive them up over night near the

Camp that they might be easily found next morning. There fell some small rain before noon, but it held up after Dinner, which gave us an opportunity to climb up the neighbouring Hills to take a view of the Mountains. We observ'd plainly from thence, that we were shot in betwixt the two Ridges, both which stretched away several miles to the Eastward of us. In the evening we deliberated which way would be the best for us to return. We had intended to cross over at the foot of the mountains to the head of James River, that we might be able to describe that Natural Boundary so far: but the weakness of our horses, our scantiness of bread, & the near approach of Winter put an end to that project & determined us to make the best of our way back upon the Line. We knew the worst of that & had a beaten path all the way, while we were ignorant what difficulties the other course might be attended with.

28. The horses were brought up very early but the great likelihood of rain prevented our being too hasty in decamping, & we judged right for at ten o'clock it began to rain in good earnest. However this happened luckily for the horses, which got so much the more rest by it. Our Camp being in a moist situation several of the men began to be out of order, but the remedies we applied proved very successful. The most unlucky accident of all was M^r Dandridge had a formal fit of the gout in this place. This set our inventions at work how to carry him along in such unfortunate circumstances. It was impossible for him to ride on horseback without exposing his foot to be bruised & tormented by the Bushes. However he resolved to try had not the rain happened, seasonably to prevent him.

29. We ordered everything to be in readiness for our departure, but were stopped again by a smart rain. However what we thought a disappointment proved a real service to us, by giving M^r Dandridge time to recover so far as to be able to draw on his boot the day following. It also helped to recruit the poor horses. In the afternoon it held up & our men went to drive the woods & killed 2 Bears, but the man that was bewildered before, by straggling too far from his Company lost himself a second time. We fired several guns to direct him by their report to the Camp, but all to no purpose.

30. In the morning the lost man steered a direct Course to our Camp by the sound of the Bells upon our horses. About 9 everything being in readiness, we began our march towards the rising sun. Tho' we had now finished the Line we had still a great fatigue to undergo in returning about 300 miles to our respective homes; & this fatigue was the greater, because we were obliged to march on foot most of the way to favour our horses, which were now grown so weak, that they staggered under their

Riders. Some of them were so jaded that they were not able to carry so much as their saddles & we were obliged to leave no less than 7 of them not far from the mountains, that would not stir a step further. The first clear night we took the variation again, & found it much the same as at Corotuck Inlet. We likewise endeavoured to try the Latitude, but the wind hindered our observation from being perfect. No remarkable disaster befell any of us in our return, the worst that happened was that some fell into Creeks, & others into Rivers thro' the weakness of their horses. Providence was so good as to supply us day by day, in this lonely desert with sufficient provision. We saw no track or sign of any Indians in the whole journey. We met with several cross paths, but we judged them to be made by Buffalo's. We had the fortune to kill one of these bulky animals in coming back near Sugar Tree Creek. He was a young Bull of two years old, but equal to a full grown Stear in bigness. His legs were much shorter & his body much deeper than of the tame Cattle. His horns too were very short but very strong, with shagged hair on his head & shoulders. That on his head was coarse & frizzled, but that on his shoulders was soft like wool & long enough to spin. The flesh differs in nothing from common Beef, but only that the fat is yellower. The species must be the same with the tame Cattle, because the mixt breed will generate. It is remarkable that we were never catcht in the rain, either out or home, except once & then we found encamping on wet ground to be very uncomfortable. At other times it rained either at night or on Sundays or else after the tent was pitcht & secured by a Trench. None of our company had any illness or disaster of any consequence during the whole expedition, but Heaven be praised we all returned in perfect health to our several habitations about the 22nd of November. We had been out in the whole upon the service of the Line (including going and returning) 16 weeks, & travelled above 600 miles.

Below towards the Sea our Course lay through Marshes Swamps, & Mirey Branches, and above over steep Hills Rocky grounds, or Thickets hardly penetrable. Yet notwithstanding all these Difficulties we may venture to say for ourselves, that we have performed the business faithfully & effectually in which we had the honour to be employed.

(Indorsed)

Virginia

North Carolina

Journal of the Commiss^{rs} for settling the Bounds between Virginia and Carolina

Rec^d with M^r Byrd's letter
of the 27th June 1729.

Rec^d 4th Oct^r 1729

Read

[B. P. R. O. B. T. VIRGINIA. VOL. 18. R. 112.]

A JOURNAL OR FIELD BOOK OF THE PROCEEDINGS
OF THE SURVEYORS APPOINTED FOR DETER-
MINING THE BOUNDS BETWEEN THE
COLONIES OF VIRGINIA AND
CAROLINA.

CURRITUCK March the 5th 172⁷/₈.

They found a true Meridian Line by means of the Pole Star and the first in the Tail of the great Bear, from which the Needle varied 3° towards the West, so that the due West line to be run was by the Needle N. 87° West.

6th They observed the sun's Meridional Altitude on the North shore of Currituck Inlet and found it to be 52° 25' 56'' The suns Declination for that time 1° 3' 21'' south so that the Latitude of Currituck Inlet is 36° 31' 13''

To shape the Inlet of Currituck they took the following distances and Bearings.

The first station was at the North end of the Bar.

The Course of the shore is N. 5° 30' W.

The South Point of the Inlet is S. 11° 10' E.

The inside point of the South side of the Inlet is S. 24° 10' W.

The South end of Dangers Island S. 50° 30' W.

The long Point of Nots Island is S. 24° 10' W.

The North End of Dangers Island is West.

A Pine being a single Tree on the high land N. 87° 20' W.

To the second station S. 40° W. 7 chains

To the 3^d station S. 36 W. 8 chains

Bearings from the 3^d Station.

The inside Point of the South side of the Inlet S. 21° 15' W.

The South Point of the Inlet S. 21° 45' E.

The South end of Dangers Island S. 55° 40' W.

The North end of Dangers N. 80° 30' W.

The North end of Notts Island N. 64° W.

The uttermost part of the Bay where our Camps are N. 63 W.

To a Pine N. 58° W.

To the 4th Station being the southermost point of the lands of the North shore S. 62° W. 8 chains.

Bearings from the 4th station.

The outer part of the south side of the Inlet S. 32° 30' E.

The inward part of the south side of the Inlet S. 15° 15' W.

The South End of Dangers Island S. 55° W.

The North end of Notts Island over another Island N. 62° 45' W.

A Cedar up the Bay N. 56° 20' W.

From the 4th station to a Pine at the end of the Bluff on the North shore N. 42° 20' W. but they made two courses to wit N. 28° W. 17 chains and N. 67 W. 9 chains and 90 links.

Allong the Bay to the Landing Place N. 70° W. 6 chains.

Thence N. 44° 3' W. 4 chains to a sandy Beach.

Thence N. 87° 30' W. 8 chains & 40 links to a Pine.

Thence N. 84° 3 chains to a sandy Beach.

From the Sandy Beach a Cedar Bore N. 59° W.

From the Sandy Beach N. 60° 15' W. 800 links to an Holly.

From the Holly to the Cedar was 1474 Links.

7th From the 4th station to the stake from which the line begins, it is N. 28 W. 2 chains & 88 links.

This allowance was made for the advancement which the southermost point of the north side of the Inlet had made towards the south since the time of the agreement between Governor Spotswood and Eden for settling the Bounds.

From the Cedar stake where the line begins to the first station on Dangers Island the distance by protraction is

From the first station on Dangers Island the Cedar bore N. 7° 15' E.

The Holly N. 4° 10' E.

The little Pine on the Bluff N. 72° 30' E.

The old Camp S. 3° W.

From the first station to the second on the North end of Dangers Island 28 chains & 20 links.

From this station the Cedar bore N. 46° 40' E.

The Course of the Island is S. 57° W.

A point in Dangers N. 33° E.

From the second station on Dangers to a station on a point near Knights Point which is a part of Nott's Island the distance in the due west course by protraction is

From this station the little Pine on the Bluff bore N. 86° 15' E.

The Cedar N. 74° 30' E.

The East end of Malburns or Cedar Island N. 7° 20' W.

Another End of D. Island bore N. 17° 30' W.

The North End of Nott's Island N. $30^{\circ} 15'$ W.

Long Point bore S. $2^{\circ} 30'$ E.

From this station in the due west course 15 chains to the first Line Tree being a Pine, thence in the due west course 2 chains and sixty five links to the East side of a Creek which makes out of Currituck Sound. Then they crost the Creek to a Bush which was set up in the Line, having first set up one on the East side of the Creek where it intersected with the Line, and proceeded to find its breadth. In order to which they run S. $33^{\circ} 10'$ E. 20 chains and then the Brush on the East side of the Creek bore N. $64^{\circ} 30'$ E.

The Breadth of this Creek by protraction is

The End of Cedar Island bore N. $2^{\circ} 30'$ E.

The end of the Branch of Notts Island N. $44^{\circ} 30'$ E.

8th From the west side of the Creek they continued the Line 45 chains to the East side of a great marsh. Then they took the following Bearings.

The north end of Notts Island S. $50^{\circ} 30'$ W.

A Point in Cedar Island N. 15° E.

Another Point in Cedar Island N. $10^{\circ} 30'$ E.

Morses Point on the main land S. 65 W.

Jones's Point which is a point in Notts Island S. $50^{\circ} 30'$ W.

From the West side of D^o Creek 100 chains. And the North end of Notts Island bore N. 41° E.

The south end of Cedar Island N. 29° E.

The north end of D^o N. $21^{\circ} 30'$ E.

Morses Point S. $58^{\circ} 30'$ W.

Jones's Point in Notts Island S. 42° W.

From D^o Creek 150 chains, and the north end of Notts Island bore N. $55^{\circ} 40'$ E.

The south end of Cedar Island N. 40° E.

The north end of D^o Island N. $30^{\circ} 30'$ E.

Morses Point S. 50° W.

Jones's Point S. $54^{\circ} 30'$ W.

From the west side of D^o Creek 183 chains to the east side of Back Bay

Then the north end of Notts Island N. $61^{\circ} 45'$ E.

Morses Point S. $42^{\circ} 30'$ W.

Jones's Point S. $25^{\circ} 30'$ W.

Then they set up a mark in the Line on the East side of the Bay, and proceeded to shape it and to find its breadth, in order to which

They measured 60 chains along the side of it to a few Trees by a Bridge, thence S. 84° W. 16 chains and 70 links to a Gall Bush, then the mark which was set up in the Line on the East side of the Bay bore N. $12^{\circ} 45'$ E. Thence N. $50^{\circ} 15'$ W. 96 chains and then the mark set up in the Line on the East side of the Bay, bore in the Line viz. 23° S.

In this Place there was a Cedar stake set up that the Line might be the better known.

From the Cedar stake which was set up in the Line on the West side of Back Bay they continued the Line 35 chains through a marsh to the high Lands and from D^o Cedar stake 92 chains to a white oak where the Days work ended.

9th From the white oak 1 chain and 50 links to the main road, which bore of the Line near North and South.

The Plantations of the 2 Heaths S. 4° W.

From the white oak 15 chains to the Plantation of Richard Eiland.

From the white oak to the East side of North river 48 chains.

The Bearings taken from this place are

Morses Point S. $28^{\circ} 15'$ E.

North River Point alias Gib's Point S. $46^{\circ} 45'$ W.

The easternmost Point of a Marsh or the mouth of the River S. 30° E.

The westernmost Point of D^o Marsh S. 24° W.

Then they crost the river to a station on a Marsh on the West side of it and Gib's Point bore S. 6° W.

Morses Point S. $49^{\circ} 15'$ E.

The west point of an island of Marsh in the mouth of the river S. 29° E.

The northermost point of D^o Island S. 73° E.

Evans Point S. $29^{\circ} 30'$ E.

John Heath's House S. 64° E.

James Heath's House S. $72^{\circ} 30'$ E.

Then they proceeded to find the breadth of the river in order to which they run N. 10 W. 8 chains thence N. $24^{\circ} 30'$ E. 25 chains then the station in the Line on the East side of the river S. $64^{\circ} 30'$

The breadth of the river is ——— and its course near north. From the west side of north river they continued the Line 45 chains to a dead Pine and further 47 chains to a stake.

Here they were interrupted by a Beaver Dam, so that they could not proceed directly with the Line but were obliged to work a Traverse in order to find where it intersected the west side of the said Beaver Dam,

to do which they took the Bearings of two oaks on the high Lands which was S. $41^{\circ} 40'$ W. then to find their distance S. $34^{\circ} 45'$ E. and the dead Pine bore N. 41° E. the two oaks S. $63^{\circ} 30'$ W. From the 2 oaks they run N. 87° W. 36 chains and 50 links, then N. 42° W. 31 chains, and having wrought their Traverse they found they must run N. 3° E. 680 links to intersect the Line. From the stake where the Traverse began to its intersection with the line the distance in the due west course is 81 chains and 40 links.

11th From the stake by the ash N. 3° E. 680 links to intersect the Line thence E. 3° S. 13 chains and 31 links backwards into the swamp.

From the intersection of the Traverse with the Line the due west course was continued 186 chains and 50 links to a swamp which made out of North West river which cross'd the Line at right angles.

From D^o intersection to the west side of this swamp 195 chains.

From D^o intersection to another swamp 300 chains

From D^o intersection to the west side of this swamp 305 chains. Here John Northerns bore N. W. 30 chains.

From hence being the east side of a Marsh bordering on North West river to a creek 10 chains which bore of the Line N. from hence 18 chains to another Branch of the same Creek from hence to North West river where the Creek entred the river 31 chains the name of this Creek is Weavers Creek.

12th To take the distance across the Creeks mouth & river they run S. 41° W. 7 chains and 30 links to a Pine from that Pine the station on the west side of North West river is found to be.

From a station on the west side of North West River the due west course was continued through a Marsh 40 chains.

From D^o Station 55 chains and then a Plantation of the Widow Stuarts bore S. $\frac{1}{4}$ of a mile.

From D^o Station 80 chains and Simon Halsteads bore North 10 chains.

From D^o Station 95 chains and 25 links to another Plantation of Widow Stuarts.

From D^o Station to the main road which leads from North West River Bridge 183 chains.

From this Place the River Bridge was judged to ly N. 17° W. distant about a mile.

From D^o Station 193 chains to a swamp that run N. W. & S. E. From this Place Moses Benets S. 15 chains.

From D^o Station 233 chains to a stooping red oak, from hence it is N. 10° W. half a mile to Peter Monks and about S. $\frac{3}{4}$ of a mile to Henry Bright's.

13th From the Oak which was by a Path that leads from Peter Monks to Henry Brights the line was continued 80 chains, and then Andrew Macpherson's bore North about half a mile, 13 chains further and Richard Ballance bore N. $\frac{1}{4}$ of a mile and Henry Etheridge S. $\frac{1}{2}$ of a mile.

From the oak by the Path 160 chains and Moses Lintons bore S. 45 W. 5 chains and William Etheridge South $\frac{1}{2}$ mile. From D^o oak 278 chains or three miles and 38 chains and then Wilkinsons bore N. E. Here the days work ended it being on the east side of the Dismal.

14th From a white oak on the east side of the Dismal 111 chains into the Dismal.

15th 95° and 50 links

16th 128 and 50

17th 00

18th 189

19th 141

20th 144

21st . .

22^d . .

23^d . .

24th . .

25th . .

26th 104

27th 120

28. 185 to the high lands. The measur'd breadth of the Dismal is 15 miles and 18 chains but they allow 18 chains for bad measure and therefore call its breadth only 15 miles.

On the high lands 25 chains to John Brinklys, here John Brinkly's bore N. $\frac{1}{4}$ of a mile and Peter Brinkly's S. W. about the same distance.

29th They continued the course of the Line 95 chains to a burnt Pine.

30th They continued the course of the Line 2 chains and 50 links to the road near at right angles with the Line, the road leads N. to the White marsh and south to the Horse Pool.

From the Burnt Pine 80 chains and John Somers bore south near $\frac{1}{2}$ mile.

From D^o Pine 120 chains and George Stallings bore S. $\frac{1}{8}$ of a mile further 8 chains to the mill road which leads from Summers to the Mill.

From D^o Pine 150 chains and John Somer bore north 1 chain.

At 160 chains and 30 links from D^o Pine was the mill swamp.

At 196 chains from D^o Pine is the road from Elm swamp to white marsh, the course of the road is N. 30 E. towards white marsh and S. 30° W. to Elm Swamp, and to Woods Plantation $\frac{1}{2}$ mile.

At 270 chains from the beginning viz. the Burnt Pine and George House bore N. $\frac{1}{4}$ of a mile.

At 305 chains from D^o Pine to Elm Swamp.

At 315 chains from D^o Pine Alex^r Everards bore North $\frac{1}{3}$ of a mile.

At 365 chains from the beginning is the road from Abrh^m Hills to Meads.

At 390 chains from D^o burnt pine and they cross'd a Branch of Benets Creek.

At 405 chains from D^o pine they came to John Nights Plantation, his house bore North.

At 437 chains from the burnt pine they cross'd a Road from Fornegans Bridge N. 10° E. to Mare Branch S. 10° W.

From the beginning 515 chains and Richard Parkers bore S. $\frac{1}{3}$ of a mile. Here the days work ended it being 6 miles and 35 chains.

31. . . .

April 1st From the Place where they began this day to a fork of Beach swamp 110 chains Tho^s Oldham's in the Fork bore Northerly distant $\frac{1}{4}$ of a mile.

From D^o to a branch of Beach swamp which makes the Fork 128 chains.

At 203 from D^o into Beach swamp which bore of the Line N. & S. Dukes Mill is 4 miles lower down the swamp near to the Place where it enters Somerton Creek.

At 207 chains out of Beach swamp.

At 262 chains and fifty links from D^o Abraham Hobb's bore N. $\frac{1}{8}$ of a mile.

At 288 chains and 50 links from D^o a main road which leads from Sarum to Somerton Chappel cross'd the Line N. & S. The road afterwards winds S. S. W. Somerton Chappel bore N. a mile and an half and stands upon the east side of the road.

At 325 chains from D^o and John Cross bore N. 6 chains.

At 345 chains from D^o into Beach swamp. the course of the swamp is N. W. to Dukes Mill. which stands upon the east side of the swamp.

From D^o 352 chains and 50 links to the west side of Beach swamp.

At 400 chains into Beach swamp again. From the last place taken notice of to this the swamp runs Parallel to the Line.

From D^o 410 chains out of Beach swamp again.

At 424 chains into a branch of Beach swamp.

At 519 chains from D^o and John Purvis bore northerly $\frac{1}{4}$ of a mile, and Dukes mill N. W. $\frac{1}{2}$ mile.

At 535 chains from D^o Will^m Spites bore N. $\frac{1}{4}$ of a mile.

At 550 chains from D° and the road from Dukes mill to Sarum cut the Line at right angles.

At 572 chains from D° and the Line cross'd the road from Dukes Mill to Barnes's at N. E. & S. W.

At 580 chains from D° and Will^m Spites senior bore N. W. 5 chains.

At 609 chains from D° the Line cut the road from Dukes Mill to Barnes's landing.

At 660 chains from D° to Beaver Dam swamp a branch of Somerton Creek.

At 675 chains from D° to the west side of Beaver Dam swamp about N. 60 W. $\frac{1}{8}$ of a mile the swamp enters Somerton Creek and midway there is a bridge.

At 680 chains from D° the road from Dukes Mill to Barnes's landing crossed the line at right angles.

At 809 chains Paul Pindars bore north 6 chains the Creek was 200 yards beyond the House.

At 870 chains from D° Richard Lee's bore north $\frac{1}{4}$ of a Mile.

At 913 chains or 11 miles and 33 chains to the east side of Somerton Creek where the days work ended.

2^d From a station on the west side of Somerton Creek to a mark where the line intersected the east side of D° Creek N. 10° E. Then N. 56° 30' W. 11 chains and 30 links to the Line Tree on the west side of the creek.

These courses were taken to find the breadth of the creek.

From the station on the west side of the Creek from whence the two foregoing courses were taken the course of the Creek upwards is N. 48° W. and downwards it is S. 71° W. $\frac{3}{16}$ of a mile. And from the Line Tree on the west side of the Creek its course upwards is N. for 10 chains.

From the line Tree on the west side of Somerton Creek they continued the line 72 chains and 30 links to Black water river From the west side of the Dismal to Black water river it is 20 miles 30 chains and 70 links.

Then they came down the river to the mouth of Nottoway, and having set up a stake on the east side of the River Nottoway they proceeded to find the breadth of the river and to join the stake with the point where the Line intersected Blackwater and thereby find how far they had come down the said river on a meridian Line, in order to comply with the directions in the agreement between the Colonies for settling the bounds. From the stake on the East side of the mouth of Nottoway river to a cypress on the west side of the North Point of the said river's mouth N. 87° W. Then N. 2 E. 12 chains and the cypress bore S. 59 W. thence

N. $48^{\circ} 30'$ E. 7 chains and 50 links thence N. $3^{\circ} 30'$ W. 20 chains Thence N. $15^{\circ} 30'$ E. 8 chains and 50 links to the Pissimmon where the line intersected the east side of Black water. The difference of Latitude between the Pissimmon and the stake on the east side of the mouth of Nottoway is 45 chains and 11 links.

Then they crossed over to the west side of Nottoway and to find its breadth they run S. $17^{\circ} 30'$ E. 600 links And the Cypress bore N. $76^{\circ} 30'$ E. then S. 66° E. 700 links And the Cypress bore N. $55^{\circ} 30'$ E.

From the west side of Nottoway 13 chains thro' a Pockossen and at 40 chains from D^o west side to the high Lands being an Indian old Field 40 chains.

In this place the variation of the needle was found to be $2^{\circ} 30'$ west.

3^d At 45 chains from the beginning place of this day John Lees bore S. $\frac{1}{2}$ a mile.

At 65 chains from D^o the head of Indian town Creek bore S. E.

At 142 chains and 50 links from D^o is a main road bearing N. 20° E. of the line, it leads from James Williams's on Nottoway river three miles from the line, to John Cheshires on the north side of Meherrin 7 miles from the Line. James Williams's is two miles and an half from Nottoway river mouth.

At 150 chains from D^o Valentine Brasswel bore N. 100 y^{ds}

At 150 chains from D^o is a small branch of Indian Town Creek.

At 240 chains from D^o John Williams' bore S. $\frac{1}{4}$ of a mile.

At 265 chains from D^o Richard Williams bore N. $\frac{1}{2}$ a mile.

At 542 chains from D^o is a road from D^o Browns on the south side of Nottoway to John Cheshires on the North side of Meherrin.

At 640 chains from D^o is a branch supposed to be Horse Pasture Creek making out of Meherrin river.

At 685 chains from D^o John Barrets bore N. $\frac{1}{4}$ of a mile.

At 845 chains from D^o Edward Chitty's bore south on the line.

At 935 chains from D^o George Jackton bore N. $\frac{1}{4}$ of a mile.

At D^o from D^o Tho. Boon S. $\frac{1}{4}$ of a mile.

At 970 chains from D^o James Monehams bore south 5 chains.

At 1022 chains and 50 links which is 12 miles 62 chains and 50 links to a Beach and Holly on Maherrin River

4th To find the breadth of Meherrin River they run N. $47^{\circ} 30'$ W. 2 chains and 40 links then their station on the west side of Meherrin bore S. $53^{\circ} 30'$ west.

The breadth of the river is from hence found to be 3 chains and 70 links, its course is N. E. & S. W.

At 15 chains from the west side of Meherrin Carolus Anderson's bore S. 1 chain.

At 33 chains —To the river again

To find its breadth S. 37 W. 172 links Then the Line Tree on the west side of the river bore N. 46 W. The breadth is 260 links.

From this Line Tree 35 chains and Tho: Pitman's bore north $\frac{1}{8}$ of a mile.

At 139 chains and 50 links is a path leading to Will^m Kinchens which crossed the line.

From this Place it is S. 20° E. to the river, which is distant a mile.

At D° Tho. Thornton's bore S. 9 W. distant $\frac{1}{2}$ mile.

At D° the widow Allen's bore N. 6 W. $\frac{1}{4}$ of a mile.

At 164 chains from D° to Meherrin River.

To find the distance between this place and where the Line intersected the west side of the river which was on the north side of a red oak they run S. 49° 15' W. 250 links, and the red oak bore N. 41° W. The Course of the river upwards N. 49° 15' E. and downwards for 2 and $\frac{1}{2}$ chains S. 49° 15' W. then for 2 chains lower it is S. 20 W. then it turns short round to the left. The breadth of the river here is 340 links.

This day it was agreed by the Commissioners on both sides to proceed no further until the 10th day of September next ensuing.

September 20th 1728.

The meeting of the Commissioners for running the Line having by agreement been put off to this day they met at Kinchins accordingly

21. From a red and live oak on the west side of Meherrin river where the surveyors gave over running the line April the 4th 1728 They proceeded and run N. 87 $\frac{1}{2}$ W. 12 chns. 50 links into Williams's orchard his house was S. 2 chns. 50 links.

At 124 ch: 50 links from the beginning viz. the red oak; Elias Brady's was N. 6 chains.

At 135 ch: from D° a main road from Brady's Ferry to Barnaby Mackinnie's on Roanoake cut the line it is S. S. W. towards Roanoke and N. N. E. to the Ferry distant $\frac{1}{4}$ mile,

At 140 ch^s 50 links to an Ashe on Meherrin River.

To find the Breadth of the river.

N. 25 W. over the river from which Place S. 80° W. 4 ch^s 50 lks. then S. 48° W. 2 chains 35 links to the Line.

Tho Breadth of the river here is 8 ch: 50 L.

From the west side of the river 60 chains

John Suter's bore N. 4 chains.

From D° 135 chains to a white oak.

This days work including the river is 3 miles 44 chains.

22^d Was Sunday

N. $87^{\circ} \frac{1}{2}$ W.

23^d From the white oak 41 ch: 50 links Jas. Turner's $\frac{1}{4}$ mile north.

At 80 ch^s from D° thro' Needham Brian's Plantation the river was south 100 yards.

At 92 chs: from D° Will^m Hams was N. $\frac{1}{4}$ mile.

At 93 chains from D° the Line cut Meherrin River. To find the breadth of the river S. $9^{\circ} 20'$ W. 2 chains down the river then N. 43 W. to our station on the other side.

The breadth of the river here is 2 ch: 25 links

From the west side of the river

At 32 chains John Simson's bore North 3 yards.

At 120 chs: William Deloches bore North $\frac{1}{4}$ mile

At 160 to cypress swamp N. 15° E. 30 chains to the mouth of it.

At 217 chains 50 links the mouth of Fontain's Creek bore N. $\frac{1}{2}$ mile.

At 226 ch^s to a small Gum by an old Field of W^m Deloches adjoining Fontain's Creek House N. 10 chains From the Gum N. $87\frac{1}{2}$ W.

Day's work is 4 miles 1 ch. 25 L.

24th At 285 chains Arthur Jordan's N. 5 chains.

At 464 ch^s N. $\frac{1}{4}$ mile James Jordans.

At 573 ch^s to a Hickory. Here Alex: Southerland's was E. N. E. 35 ch^s and from Alex: Southerland's Mary Jordans was East 40 chains.

This day's work is 7 miles 13 chains.

25th N. $87\frac{1}{2}$ W. from the Hickory.

At 66 chains is the division line of Isle of Wight County from Brunswick. The line of division is N. to Meherrin River, which is judged to be 11 miles distant.

At 85 ch^s to the middle of Jack's swamp which was 8 ch^s wide.

At 1 mile 38 ch^s North $\frac{1}{2}$ mile Joseph Jordan's.

At 1 mile 61 ch^s 25 links to the low Grounds of Fontain's Creek.

At 2 miles 6 ch^s 25 links out of D° low Grounds.

At 2 miles 58 ch^s to a road at right angles

At 3 miles 50 ch^s N. $\frac{3}{4}$ mile John Bradfords.

At 3 miles 72 ch^s 50 S. N. $\frac{1}{2}$ mile Tho. Avings over Fontaine's Creek.

At 6 miles 40 ch^s to Beaver pond Creek

At 6 miles 57 ch^s to D° Creek this being the 7th time we crost it.

At 7 miles 10 ch^s to a dead Hickory which is this day's work.

26. At 8 miles 71 ch^s 25 links to Beaver pond Creek.

At 5 miles 38 ch^s to D^o Creek here we went 19 chs: allong the Low Grounds of it.

At 6 miles 14 ch^s 50 links to D^o Creek.

At 10 miles 40 ch^s to a stake which is this day's work.

27th From the stake N. $87\frac{1}{2}$ W.

At 2 miles 32 ch^s 50 links to a branch of Pea Hill Creek which runs southerly.

At 2 miles 38 ch^s 50 links crost D^o Branch

At 3 miles 27 ch^s 50 links to Peehill Creek, course N. W. and S. E.

At 5 miles 35 ch^s to a road to Sehauhuntachol on the south side of Roanoke, the Course of the road to Virginia is N. E. here the river is S. W. $\frac{3}{4}$ mile.

At 6 miles 24 ch^s 50 links to Seyard Creek. Course to Roanoke is S. E. 4 miles.

At 8 miles 27 ch^s 50 links to the East branch of Pidgeon Roost Creek the Fork is about 1 mile lower, and the course to Moratok from hence is S. E. 3 miles.

At 9 miles to the middle of Pidgeon roost Creek the course to Moratok alias Roanoake is S. E. 3 miles.

At 9 miles 26 ch^s to a stake which is the day's work.

28th From the stake N. $87\frac{1}{2}$ W.

At 36 chains 50 links to Pidgeon Roost Creek at right angles S. 2 miles to Roanoke.

At 2 miles 30 ch^s to the River low Grounds.

At 3 miles 22 ch^s 50 links to Cocks Creek S. E. 6 S. $\frac{1}{4}$ mile to the river.

At 3 miles 34 ch^s 50 links cross D^o

At 3 miles 74 ch^s 50 links to a sugar Tree on Roanoke river.

To find the breadth of the river N. 51° W. over the River—S. 45° W. 85 links—N. $12^{\circ} 30'$ W. 10 ch^s 10 links to the-Line.

The breadth of the river is twelve chains 25 links.

The distance from Meherrin river where we began September 21st to the west side of Roanoke is 45 miles 61 chains.

From the west side of Roanoke river

At 2 miles 23 ch^s 50 links to a white oak.

This day's work is 6 miles 30 ch^s 25 links

29th Was Sunday

30. N. $87\frac{1}{2}$ W. from the white oak.

At 61 chains 50 links to the road from Mony Shap Ford on Roanoke river to Tar river S. W. 30 miles N. E. 37 ch^s 50 links to Mony Shap Ford.

At 69 chains to Haw Tree Creek which empties itself into the river at Mony shap a little above the point of an island in the river, here we entred the low grounds of the river it being North $\frac{1}{4}$ mile to it.

At 1 mile 11 chains cross D^o Creek.

At 1 mile 49 chains out of the low grounds of the river, here it is North $\frac{3}{4}$ mile to the River.

At 2 miles 15 chains cross haw tree Creek the 3^d time.

At 4 miles 40 ch^s to a small branch of great Creek.

At 4 miles 55 Chains to a Stake which is the Days stock.

October y^e 1st

N. 87 $\frac{1}{2}$ West from the Stake.

At 33 chains to a Branch of great Creek

At 73 Chains 50 Links to great Creek at right angles here its 2 $\frac{1}{4}$ miles according to the Course of the Creek to the River viz^t N. E. 1 mile and East 1 $\frac{1}{4}$ mile.

At 3 Miles 11 Cha^s 50 Links to a branch of great Creek W. N. W up and South down to great Creek about $\frac{1}{2}$ mile here its North 1 mile to the River.

At 7 miles 36 cha^s to a Branch of Nut bush Creek at right angles.

At 7 miles 75 Chains Nut Bush Creek N. W. & S. E.

At 12 miles 3 Chains to a Stake which is the day's work.

2nd From the Stake 87 $\frac{1}{2}$ W.

At 2 miles 78 Chains 50 Links a Branch of Mause Mony Creek.

At 3 miles 13 Chains Mause Mony Creek.

At 6 miles 20 Chains Beaver Ponder Yapatio Creek

At 9 miles 50 Chains Ahimpamony Creek.

This Creek is S S W $\frac{1}{8}$ of a mile to the fork of it & from thence 4 $\frac{1}{2}$ miles N. E. to where it enters Roanoke.

Beaver Pond Creek enters this one near its mouth.

About seven or eight miles above the mouth of this Creek there is an Island two miles long. It is supposed to be Acconechy Island, and at the mouth of the Creek which the Indians judged to be Ten Miles below the fork of Roanoke the River goes N. W. having come much Westerly hitherto.

At 9 Miles 63 Chains 50 Links to a Stake which is this Day's Work.

Here the Variation was observed & found to be 2^o 20' W^t

3rd At 2 miles N 87^o 40' W. 27 chains is a small Creek going into Ahimp-a-Mony N. W. 6 N up and S. E. 6 S. down.

At 8 miles 40 Chains to Tuskerood Creek called so by the Saponie Indians, who killed a Tusk and flung him into this Creek the Indian Name is Keew-ahomomy.

At 8 Miles 45 ch^s is the end of the Day's Work.

N 87 40 W.

4th At 4 miles 57 Chains 50 Links to Blue Wing Creek

At 7 miles 40 Ch^s to Sugar Tree Creek.

North 87° 40' West.

5th At 3 miles 36 Chains Hycoote Creek N. E. down

At 3 miles 42 Chains 50 Links to D° N 6 W up

At 4 miles 19 Chains 50 Links to D° S S E up; A red cliff on the West side.

At 4 miles 76 Chains to D° N. W up S E down

At 4 miles 78 Chains to a Chestnut Oak.

Here the Carolina Commissioners made an End.

6th Was Sunday.

7th N. 87° 40' W.

At 8 Chains 50 Links the Creek at right Angles

At 1 Mile 53 Chains 50 Links Buffalo Creek

At 2 Miles 65 Chains a Stake

8th N. 87° 40' W

A 4 Miles 5 Chains to a Run which concluded the Day's Work.

N 87° 40' W

9. At 1 Mile 5 Chains 50 Links to run at Right Angles

At 2 Miles 54 Chains to a Bold run N° down

At 4 Miles 70 Chains to a nother Run N° down

At 6 Miles to a Stake which concludes the Day's Work.

10. N. 87° 40' W

At 45 Chains to Cockade Creek

At 71 Chains 50 Links to the Southern Branch of Roanoke River.

To find its Breadth

S. W. 30° 5 Chains up the River

N. W. 31° over the River to the Line.

The Course of the River up is S. W. 37° 40 chains to the next Reach goes West.

The Breadth of the River here is 5 Chains 25 Links

N. W. 87° 40' 1 Chain 25 Links thro' an Isle in the River, then N. W. 87° 40' 2 Chains thro' the River on the West side of the Isle.

From the West side of the River N. 87° 40' W°

At 2 miles 50 Chains 50 Links to a Cane Creek at Right Angles.

2 miles 65 Chains to a Stake where the Days work ended which is in all is 3 miles 65 Chains.

11th N. $87^{\circ} 40'$ W.

At 54 Chains to a Run down to the River.

At 61 Chains 50 Links to D^o Run the 3^d Time.

At 4 miles 15 Chains to the River its breadth is 6 Chains.

The River is S. S. E. 30 Chains down then Eastward.

N. N. W. 20 Chains up then Westward.

N. W. $87^{\circ} 40'$

From the West side of the River 2 miles 45 Chains to a Stake where the Day's Work ends which in all is 6 miles 60 Chains.

12th N. $87^{\circ} 40'$ W.

At 1 Mile 10 Chains to a Run S. 6 E. up.

At 5 miles 7 Chains to a Red Oak which is the Days Work.

13th Was Sunday.

14th Was a rainy day.

15th N. $87^{\circ} 40'$

At 37 Chains 50 Links to a Run S. E. up.

At 60 Chains to a Sugar Tree on the River.

To find the Breadth of the River

S. W. $50^{\circ} 1$ Ch. 50 L: then S. W. $61^{\circ} 20'$ 5 Chains 10 Links then N. W. $62^{\circ} 20'$ across the River to the Line.

The Breadth of the River here is 13 Chains 25 Links.

Sable Creek is on the S^o side of the Line a little higher.

N. W. $87^{\circ} 40'$ 1 Mile 1 Chain 75 Links to the River again.

To find the Breadth of the River

The Days work is 1 M 75 Ch^s

16th N. $87^{\circ} 40'$ W. 10 S. then N. E. $35\frac{1}{2}^{\circ}$ 4 Ch^s 25 L. to the River S. E. 54 across the River to the Line; the Course of the River up for $\frac{1}{4}$ mile is N^o and its breadth here 5 Ch^s 25 Links.

At 3 Miles 51 Chains 50 Links to Lowland Creek.

At 4 Mile 56 Chains to the River again.

Its Course is S. W. up 10 Chains then S. 6 E. & N. E. 16 Ch^s down.

To find its Breadth.

S. E. 20° 70 Links: then S. W. 57° 5 Ch^s 17 L. then N. W. $71^{\circ} 15'$ to the Line on the other side the River.

The Breadth of the River here is 16 Ch^s 50 Links.

This days Work is in all is 4 Miles 77 Chains 75 Links.

17th N. $87^{\circ} 40'$ West.

From the Line Tree on the West side of the River.

At 2 M. 7 Chains 50 Links to a Run at Right Angles.

At 2 M. 62 Chains 50 Links to Cascade Creek of which the last run is a branch it is S. S. E. $1\frac{1}{4}$ mile to the mouth of it.

18th At 6 Miles 7 Ch^s 50 Links to a River which is the Branch of a Southern Branch of Roanoke River.

Its Course up for 2 Chains 50 Links is N. then more Easterly and S. E. $14^{\circ} \frac{1}{2}$ mile down.

19th To find the breadth of the River.

S. W. $52^{\circ} \frac{1}{4}$ cross the River to the top a a hill.

N. W. $14^{\circ} \frac{1}{2}$ 3 Chains 36 Links to the Line.

The Breadth of the River here is 4 Chains 75 Links.

N. W. $87^{\circ} 40'$ from the West side of the River.

At 5 Ch^s 50 Links to a Run which entered the River a little above the Place where the Line crossed it.

At 4 Miles 3 Chains to Malumomy Creek S. W. down.

4 Miles 42 Chains N. W. $33\frac{1}{2}$ a little Mountain.

At 5 miles 29 Chains to a Hickory. This day's work including the breadth of the River is 5 M. 33 C. 75 L.

20th Was Sunday.

21st N. W. $87^{\circ} 40'$ 4 miles 67 Chains 50 Links to a Hickory Sapling which concludes this Days Work.

22nd N. $87^{\circ} 40'$ W.

At 1 M. 23 Ch. 50 L. a run S. W. down.

At 1 M. 52 Ch. 50 L. to another Branch of the southern Branch of Roanoke

To find its Breadth

N. W. 35° over D^o

S W $56\frac{1}{4}$ Ch^s to the Line. The Breadth of the River is 5 C. N. W. $87^{\circ} 40'$

23rd At 15 Chs to a River a branch of Roanoke.

1 Ch. 75 L. over D^o

N. $87^{\circ} 40'$ W. from the West side of this River

At 1 M. 64 Ch^s then N 10 Ch^s the River

At 2 M. 8 Ch^s 50 L. then N^o 1 Ch. 50 L. the River

At 2 M. 30 Ch^s 50 L. Crooked Creek Northerly down

At 2 M. 39 Ch^s cross D^o

At 2 M. 43 Ch^s Cross D^o N. W. down

At 2 M. 61 Ch^s cross D^o N. W. up E. N. E. down

At 3 M. 18 Ch^s 50 L. cross D^o S. W. C. W. up E. N. E. down

At 4 M. To a Red oak.

This Days Work in all is 4 miles 17 Ch^s 25 Links.

24th N. 87° 40' W

At 1 mile 33 Ch^s cross Crooked Creek 5 Times

At 2 M. 39 Ch^s cross D°

At 2 M. 43 cross D° up S W C. W

At 3 M. 7 Ch^s 50 L. cross D° N° up

At 6 M. 35 Chs. Cross D° N. E. down

At 7 M. 75 Ch^s to a Hickory which is the days work

25 N. 87° 40'

At 1 M. 26 Ch^s due South the East end of a ledge of Mountains.

At 2 M. 48 Ch^s 50 L. crossed Crooked Creek at

At 3 M. 20 Ch^s a Run S° down

At 3 M. 54 Ch^s a Run S° down

At 3 M. 73 Ch^s a bold run westerly down

At 3 M. 75 Ch^s the same Run

At 3 M. 78 Ch^s D°

At 4 M. 51 Ch^s 25 L. to the West side of a run S. W down. Here the days work ends.

26. N. 87° 40' W.

At 15 Chains a Run S. W. down

At 25 Ch^s S 2° $\frac{1}{2}$ W. the top of the greatest mountain Southward. S 13° $\frac{1}{2}$ E the East end of the Ledge.

At 27 Chains S. W. 10° 3 Ch^s to a small River

River running S W 10° up.

At 48 Ch^s to a Run. S° 2 Ch^s 50 Links to the River

At 75 Ch^s to a small River N° up S° down

The Last Line Tree is a Red oak by the East side of the River, & the trees around it are blazed each on the side pointing to the oak.

Here the Surveyors made an End by order of the Commissioners, having run the Line from Currituck in Conjunction with the Carolina Surveyors 168 Miles 62 Chains 50 Links, & from the Place they departed at to the End 72 Miles 75 Chains 50 Links; In all 241 Miles 57 Chains 50 Links.

ALEX^r IRVINE.

[B. P. R. O. B. T. JOURNALS VOL. 38.]

BOARD OF TRADE JOURNALS.

[Page 134.]

WHITEHALL Tuesday May 7th 1728.

Present

Earl of Westmorland.

Sir O. Bridgeman

Mr Bladen.

Mr Cary.

A letter from Mr Fitzwilliams Surveyor General of the Customs in the Southern district of America dated 26 Dec^r 1727 relating to an Act passed at Pennsylvania *for establishing Courts of Judicature* and another passed in Virginia *to prevent bringing Tobacco from Carolina* into that Colony was read, And the papers therein referred to were laid before the Board, viz:

Copy of an Act passed in Pennsylvania for establishing Courts of Judicature in this Province

Mr Fitzwilliams letter to the Gov^r of Pennsylvania against the said Act

Copy of a clause offered to be added to the said Act.

Whereupon Order'd that Mr Shelton Sec^{ry} to the Lords Prop^{rs} of Carolina, Mr Leheup Agent for Virginia and Mr Cary be acquainted that the Board desires to speak with them upon Tuesday morning upon the before mentioned Act passed in Virginia

[Page 143.]

WHITEHALL Tuesday May 14th 1728

Mr Shelton attending as he had been desired as also Mr Leheup Agent for Virginia Their Lordships took again into consideration the letter from Mr Fitzwilliams mentioned in the Minutes of the 7th inst. as also the *Act for the more effectual preventing the bringing tobacco from North Carolina* and the Bounds in controversy And after some discourse with these gentlemen thereupon Their Lordships agreed to consider further thereof on Thursday next

[Page 149.]

WHITEHALL May 21st 1728

Mr Shelton and Mr Godin attending presented to the Board two papers in relation to the first settlement of Carolina & the Bahama Islands which were read

[Page 260.]

WHITEHALL Tuesday Nov^r 26th 1728.

A letter from Sir Richard Everard Deputy Governor of North Carolina dated 3rd May last was read, As also

A copy of the petition & complaint of Samuel Northey Master of a Vessel at North Carolina in relation to his having been forcibly detained and the authority of the Justices prohibition in his case denied

Their Lordships likewise resolved to consider further of this letter on Tuesday sen'night

[COUNCIL JOURNAL.]

NORTH CAROLINA—SS.

At a Council held at the Council Chamber in Edenton the 3^d day of November Anno Dom 1728

Present

The Honoble Sir Richard Everard Bar^t Gov^r &c

{	William Reed	T Pollock	} Esq ^{rs} Members of the Council
	Chris Gale	T Harvey	
	J Lovick	R West	
	E Moseley	E Gale	
		J Worley	

In the Case concerning the Paper produced to this Board at their last Setting as the Will and Testament of Elizabeth Pricklove de^{cd} Ordered that the Persons Sumoned to attend be Examined therein and the Debate lye till y^e next Board

Mr Chief Justice Gale Informing this Board that several Indictments had laine before the General Court for a Considerable time against the following Persons Viz^t

Dom Rex Vs Burrington
Idem Vs Burrington & Harnet
Idem Vs Lewis Jun^r
Idem Vs Oldner
Idem Vs Porter
Idem Vs Blount
Idem Vs Arkill
Presentm^t Vs Worley
Idem Vs Colding

Ordered That the Attorney General Enter a *Noli Prosequi* against the said Prosecutions

The Petition of Cook agt M^r Thomas Bryant was this day Read and referred to the next Board

Ordered that a Summons Issue for M^r Bryant to appear.

Pough vs Whitehead Continued by Consent till next Board

Ordered that Members of the Gen^l Court do hold a Special Court at Edenton the——for the Tryall of Several Persons now in Edenton Goal for ffelony and Burglary

The question being put whither the Asembly should be further Prorogued to the first Tuesday in April which was carried in the affirmative

Ordered that a Proclamation Issue accordingly

Ordered that a new Comission of the peace Issue for the Precinct of Pasquotank in which comission the persons following Vizt——— shall be placed according to the time that they were severally first appointed Justices and that to prevent any Confusion in the Placing them in the Comission each party be Sumoned to attend at the next Court to Shew the time of their being first appointed Justices and it is desired that M^r President and Col Palin or either of them Do see this order observed and it is further Directed that all the members Excepting the Two Last in Comission be of the Quorum

Ordered that a New Comission Issue for Bertie Precinct directed to the old members Isaac Hill James Castellaw John Bonde, Lawrence Sarson and M^r James Lockhart

Ordered a new Comission of the Peace Issue for Curratuck Directed to the old Members and Moses Linton Francis Moss Christopher Merchant Cornelius Jones and Ralf Mathan

Ordered that the Precinct Court of Curratuck be for the future held on the first Tuesdays in the months of January April July & October and that the precinct Courts of Pasquotank be held on the Second Teusday in the months of Jan^{ry} April July & October the precinct Courts of Perquimons to be held on the Third Mondays in the months of Jan^{ry} April July and October and that the Courts for Chowan precinct be on the third Thursday in the afores^d month of Jan^{ry} April July and October next.

[RECORDS OF GENERAL COURT.]

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer and Gen^l Goale Delivery held for the sayd province at the Courthouse in Edenton begun on Tuesday

the twenty sixth day of March One thousand Seven hundred and twenty eight and continued by Adjournm^t untill Wednesday the twenty Seventh day of the Same month of March.

Present

Major Thomas Luton	}	Justices of the Peace &
Major John Alston		Assistants to
Major Henry Bonner		the Ch: Justice

The Hono^{ble} Christopher Gale Esq^r Cheif Justice and William Little Esq^r Attorney Gen^l who are by the Governo^r & Councill appoynted Commission^{rs} for Running the Boundary Line between this province and the Colony of Virginia being now on that Service It is made a Rule of this Court that all the following Suites do Stand continued in Statu quo untill the next Court on the last Tuesday in July next.

DEM REX v BURRINGTON

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd.

IDEM v BURRINGTON

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM v EUNDEM ET ALIIS

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM v BURRINGTON

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM v NAIRNE

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM v LEWIS JUN^r

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM v THO^s OLDNER

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

INFORMACON v SPENCER

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

DEM RE V PORTER ON QUEEN^a PEACE ACT

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

DEM REX V PORTER SUBON

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM V COOK

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM V BLOUNT

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM V ARKILL

Continued by Rule of Court aforesayd untill the next Court on the last Tuesday in July next

IDEM V ANDREWS

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

BELL V WORLEY'S INFORM :

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

DEM REX V ALLEN

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

IDEM V EUNDEM

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

MARSTON V COLDING INFORMATION

Continued untill the next Court on the last Tuesday in July next by Rule of Court as aforesayd

THO^s LUTON
HENRY BONNER

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer & Terminer and Gen^l Sessions held for the Sayd province at the Courthouse in Edenton begun on Tuesday the thirtieth day of July one thousand Seven hundred & twenty eight & continued by Adjournm^t to the Sixth day of August following

Present

Chistopher Gale Esq^r Cheif Justice.

Major Tho ^s Luton	} Esq ^{rs} Assistants.
Tho ^s Lovick	
Henry Bonner	
Tho ^s Speight	

And Severall Members of the Council as Justices of the Peace to hold the Gen^l Sessions of this Government.

The following persons were impannell^d and Sworne of the Grand Jury Viz^l

Mr Francis Pugh	Mr Edward Standing	Mr Jeremiah Vaile
Cap ^t George Wynn	Mr William Egerton	Mr William Mackie
Mr Tho ^s Holladay	Mr James Lockhart	Mr Joseph Minge
Mr Tho ^s Spires	Mr Rich ^d Skinner	Mr Jacob Butler
Mr John Keaton	Mr Arthur Croxton	Mr Thomas Bell.
Mr John Stevens	Mr Robert Hicks	Mr Geo: Lillington

afterwards Mr Rob^t Hicks was order^d to be Struck out of y^e pannell.

And then being charg^d with things proper for their Enquiry they withdrew and consider^d the Severall matters given them in charge and at their returne presented the following Bills of Indictment: Viz^l

A Bill of Indictment against John Lackey of perquimons Labourer for Speaking Treasonable Words

A Bill of Indictment against Christian Newton for Larceny

A Bill of Indictment against Major Joseph Jenoure and peter Young peter Osborne Charles Cornwall Tom the Tinker alias Cockram and Severall others for a Ryot

A presentment of S^r Richard Everard Baron^t for Striking Docto^r Geo: Allen.

And the Grand Jury was discharg^d from further Attendance at this Court.

The petition of William Little Esq^r Attorney Gen^l was read in these Words Viz^l

I desire the Court (if they please) to permit Mr Osheall to Appear for y^e King in my Stead during my Sickness

Sign^d

W^m LITTLE

Which petition was accordingly granted

And now here at this day (Viz^t &c) the aforesayd George Burrington (tho' Solemnly required) came not nor any answer made to the Bill of Indictment aforesayd Wherefore at the Motion of the Attorney Gen^l day is given him to appear at the next Court on the last Tuesday in October

next the sayd Attorney Gen^l being Sick & uncapable now in person to attend

And now here at this day (Viz^l &c) the aforesayd George Burrington (tho' Solemnly required) came not; And the Attorney Gen^l being Sick and uncapable now to attend the sayd Suite is put in respite untill the next Court the last Tuesday in October next

And now here at this day (Viz^l &c) the aforesaid George Burrington & Cornelius Harnett (tho' Solemnly required) came not; And the Attorney Gen^l being Sick and uncapable now in person to attend. Therefore by the Court here day is given the partys untill the next Court the last Tuesday in October next for them then & there to appear &c.

And now here at this day (Viz^l &c) The aforesayd George Burrington (tho' Solemnly required) came not; And y^e Attor^{ys} Gen^l being Sick and uncapable now to attend in person. Therefore by the Court here day is given him untill the next Court on the last Tuesday in October next for him then and there to appear &c:

And now here at this day (Viz^l &c) the aforesayd John Nairne (tho' Solemnly required) came not, And the Attorney Gen^l being Sick & uncapable now to attend in person. The Scire facias aforesayd was by the Court here continued returnable to the next Court on the last Tuesday in October next

And now here at this day (Viz^l &c) the aforesayd William Lewis Jun^r (tho' Solemnly required) came not; Wherefore it is Consider^d and by the Court here Order^d that a Writt of Exigent do issue returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) The aforesayd Thomas Oldner (tho' Solemnly required) came not; Wherefore It is Consider^d and by the Court here Order^d that a Writt of Exigent do issue returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l &c) The aforesayd Thomas Spencer (tho' Solemnly required) came not, Wherefore It is Consider^d And by the Court here Order^d that the Writt of Exigent be continued returnable to the next Court on the last Tuesday in October next.

And now here at this day (Viz^l) came the aforesayd Edmond Porter and Richard Everard Esq; also came and produced to the Court here a Warrant of Attorney in these words Viz^l

NORTH CAROLINA—SS.

S^r Richard Everard Bar^t Governo^r of North Carolina To Richard Everard Esq: Attorney at Law.

Whereas a certain Bill of Indictment was preferr^d & found by the Grand Jury at March Gen^l Court One thousand seven hundred & twenty seven against Edmond porter of Chowan p^rinct Gent. upon the Act of Assembly entituled an Act for the better & more effectuall preserving the Queen's peace and establishing a good & lasting foundation of Governm^t in North Carolina And being I am fully assured that the sayd Edmond porter no ways meant or intended any affront to my Self in particular or to disturb the peace of this Governm^t I do hereby authorize you the Sayd Richard Everard (the Attorney Gen^l being indispos^d and as is Sayd not capable of Attending this Court) to appear at the Gen^l Court to be held for this Province And there to enter a Noli prosequi on the Sayd Indictment for which this shall be your Sufficient Warrant

Given under my hand and Seale this third day of August in the Second Year of our Sovereign Lord King George the Second Anno Dⁿⁱ One thousand Seven hundred & twenty eight

Sign^d

RICHARD EVERARD And a Seale.

Wherefore It is Consider^d and by the Court here it is Order^d that the Sayd Edmond porter be thereof dismist and may go hence without day paying Costs

And now here at this day (Viz^l &c) the aforesayd Edmond Porter in his own proper person came But the Attorney General being sick and uncapable now to attend Therefore by y^e Court here day is given to the Sayd Edmond untill the next Court on the last Tuesday in October next for him then & there to appear &c

And now here at this day (Viz^l &c) the Attorney Gen^l by M^r Osheall his substitute pray^d leave to discontinue the Indictment aforesayd which with the consent of the prosecutor is granted And it is consider^d that the sayd William Cook be thereof discharg^d and may go thereof without day paying costs.

And now here at this day (Viz^l &c) The aforesayd Thomas Blount (tho' Solemnly required) came not, and the Attorney Gen^l being sick and uncapable now to attend; Therefore by the Court here day is given to the sayd Thomas Blount untill the next Court on the last Tuesday in October next for him then & there to appear &c:

And now here at this day (Viz^l &c) The aforesayd William Arkill (tho' Solemnly required) came not; And the Attorney Gen^l being sick and uncapable now to attend, Therefore by the Court here day is given to the sayd William Arkill untill the next Court on the last Tuesday in October next for him then & there to appear &c

And now here at this day (Viz^l &c) The aforesayd Thomas Andrews (tho' Solemnly required) came not; And the Attorney Gen^l by M^r Osheall his substitute pray^d leave to discontinue the Indictment aforesayd which with the consent of y^e prosecutor is granted And It is consider^d that the said Thomas Andrews be discharg^d and may go thereof without day paying Costs.

And now here at this day (Viz^l &c) came the aforesayd Thomas Bell But the Attorney Gen^l being sick & uncapable now to attend Therefore by the Court here day is given to the aforesaid John Worley & Joshua Worley untill the next Court on the last Tuesday in October next for him then & there to appear &c

And now here at this day (Viz^l &c) came the aforesayd George Allen but the Attorney Gen^l being sick and uncapable now to attend. Therefore by the Court here day is given to the aforesayd Gorge Allen untill the next Court on the last Tuesday in October next for him then & there to appear &c.

And now here at this day (Viz^l &c) came y^e aforesayd George Allen and Submitted himself to the mercy of the Court and acknowledged himself to have been greatly to blame in affronting and abusing the Sayd Court. Wherefore upon mature deliberacon thereon had It is Consider^d that the sayd George Allen be discharg^d of the Indictment aforesayd and may go thereof without day paying Costs.

And now here at this day (Viz^l &c) the aforesayd Michael Colding (tho Solemnly required) came not And the Attorney Gen^l being Sick and uncapable now to attend; Therefore by the Court here day is given to the Sayd Michael Colding untill the next Court on the last Tuesday in October next for him then & there to appear &c:

Information being made to this Court that one John Lackey hath been apprehended for Speaking Severall Treasonable Words for which he hath been admitted to Bayle. And the Court having duly consider^d thereof are of Opinion that he ought not to have been Admitted that Liberty Therefore It is consider^d and Order^d that the provost Marshall or his Deputy take him into Custody & Comitt him to the Goale at Edenton there to remaine until he be deliver^d from thence by due Course of Law.

The Hono^{ble} S^r Richard Everard Bar^t came into Court, And upon Oath declar^d & gave this Court to understand & be inform^d that on the Second of this instant July a Ryott was comitted in Edenton by the following persons Viz^t Major Joseph Jenoure. Tho^s Betterley peter Osborne peter Young Tom y^e Tinker alias Cockram Robert Robinson Charles Cornwall James Roe Rich^d Robbins two forreigners a Tall Irish man a Carpenter

and divers others unknown who came to the Governo^rs house in a Riotous manner Whereupon the Governo^r comanded them to depart but they refused And afterwards they struck One of the Governo^rs Servants and broke his head.

Whereupon It was Consider^d and Order^d that a Warrant should issue directed to the provost Marshall to apprehend the sayd persons and Secure them so that they be and appear at this Court &c

Richard Everard Esq: came into Court and demanded a Warrant against William Little Esqr: Attorney Gen^l for detaining the Statutes at large and was by the Court inform^d that a Warrant could not be granted for any thing of that value. Whereupon S^r Rich^d Everard came into Court and declared that he putt the sayd Books into the hands of the sayd William Little for the use of the publick and not for his own private use as it was Suggested to the Court Whereupon It is Order^d that the provost Marshall or Deputy do waite on the Attorney Gen^l (who is Sick and uncapable to attend) for the sayd Books

And the Court do engage that they shall be return^d to him agen that the title thereto may be legally disputed And accordingly the Sayd Books were brought into Court & return^d to the sayd William Little on the fifth day of the Court

William Little Esq: Attorney Gen^l by M^r David Osheall comes to prosecute John Lacke on a Bill of Indictm^t found by the Grand Jury against him for uttering treasonable Speeches which Bill was read in these Words Viz^t

NORTH CAROLINA—SS.

To Christopher Gale Esq: Cheif Justice & the rest of the Justices for holding the Gen^l Court of sessions for the Sayd province at the Court-house in Edenton the last Tuesday in July One thousand Seven hundred & twenty eight.

The Jurors for our Sovereign Lord the King on their Oath do present that John Lacke of perquimons precinct Labourer not having the fear of God befor his Eyes but moved & instigated by the Devill & his own trayterous & wicked heart & contrary to his allegiance due to his Sacred Majesty's George the Second King of Great Brittain and the Dominions thereunto belonging and with intent as much as in him lay to draw in question y^e Title of his Sacred Majty aforesayd & traiterously to move Sedition and Rebellion He the sayd John Lacke at perquimons precinct in the Jurisdiction of this Court On or about y^e thirtieth day of June in the year of our Lord One thousand Seven hundred & twenty eight & at

divers other times He the sayd John Lackey with traitorous intent as aforesayd did utter publish and declare to & in the hearing of many of his Majesty's Leige Subjects these following Traiterous devilish false and wicked words & Speeches following Viz^l God damn King George (Our Sovereign Lord the King that now is meaning) I say King James the third here is his health let him reign for ever Against the peace of our Lord the King that now is his Crown & dignity & against the Statutes in that Case made and provided.

Upon Indictment the sayd John Lackey was arraign^d & upon his Arraignment he pleaded not Guilty & for Tryall thereof putt himself upon God & the Country Whereupon the Marshall was comāded to cause to come twelve &c by whom &c: And there came M^r John Powell Rob^t Hicks Arthur Mabson James Bates Walter Lane William Whitfield Jacob Lewis William Lyles Tho^s Hoath John Mainer W^m Halsey & Tho^s Jones who being impannell^d and Sworne On their Oath do say that he is thereof Guilty.

Then the sayd John Lacke being asked if he had anything to say why Sentence Should not pass against him as the law in that Case hath provided and he offering nothing in Avoydance thereof It is thereupon Consider^d and adjudg^d that he shall receive twenty one Lashes on his bare back at the publick whipping post and that he give Security in the sum of fifty pounds Sterling with two Suretys in the Sum of twenty five pounds each for his good behaviour twelve months and One day and pay Costs.

Whereupon the Sayd John Lacke acknowledg^d himself indebted to Our Sovereign Lord the King his Heirs & successo^r in the sum of fifty pounds Sterling and John Croxton and Roger Kenyon in the Sum of twenty five pounds Sterling each to be levyed on their goods & Chattells Lands & Tenements &c With Condi^con that the sayd John Lacke shall well behave himself towards his Majesty and all his Leige people for twelve Months & one day then this Recognizance to be void else to remaine of full force.

A Bill of Indictment having been presented to the Grand Jury aforesayd against Robert Gyles upon suspicion of having feloniously taken from Robert Robinson a piece of Gold comōnly called a Moydore and being return^d to the Court here Ignoramus he was discharg^d by proclamation & may goe without day paying fees.

William Little Esq^r Attorney Gen^l by M^r David Osheal comes to prosecute Christian Newton on a Bill of Indictment found against her by the Grand Jury for Larceny in these Words Viz^l

To Christopher Gale Esq^r Cheif Justice and the rest of the Justices for holding the Gen^l Court at a session begun & held the last Tuesday in July Anno Dⁿⁱ One thousand Seven hundred & twenty eight.

The Jurors for our Sovereign Lord the King on their Oath do present Christian Newton of Chowan precinct in the province aforesayd Single Woman not having the fear of God before her Eyes but being moved by the instigation of the Devill at Edenton in the p^{re}inct of Chowan aforesayd on or about the eighteenth day of May Anno Dⁿⁱ One thousand Seven hundred & twenty eight by force and armes did feloniously steale take & carry away from Joseph Jenoure of Edenton Esq: three remnants of Ribbon a payr of Childs first Stockins One flannell Barrow & petticoat a quarter^d Capp four childs Shifts a Womans Holland half shirt four Childrens Capps two Childs Neck Clothes two Biggens two Bibbs an Head Band a Scull Capp & a Childs Bed all of the price or Vallue of thirty shillings sterling money of Great Britain being the proper goods of the sayd Joseph Jenoure against the peace of Our Sovereign Lord the King that now is his Crown & dignity &c.

Upon which Indictment the sayd Christian Newton was arraigned and upon her arraignment she pleaded Guilty

And humbly moved the Court for mercy being very young & alledging by her council that it was from the effect of her youthful folly; Wherefore It is Consider^d and by the Court here sentenc^d and adjudg^d that she do receive ten lashes on her bare back at the publick Whipping Post and pay Costs alias Ex^{on}

On the petition of Joseph Jenoure Esq: praying that his goods mention^d in the aforesayd Indictment should be deliver^d to him which was granted And it is consider^d & Order^d that a Writt de Bonis restituendis do issue.

A Bill of Indictment having been presented to the Grand Jury aforesayd against David Oliver for ravishing of Elizabeth Hassell and being return^d to the Court here Ignoramus he was discharg^d by proclama^{ti}on and may go thereof without day paying Costs

A Bill of Indictment having been presented to the Grand Jury aforesayd against Fincher Hayne for making and uttering a Counterfeit Bill of Credit in this Governm^t And being return^d to the Court here Ignoramus he was discharg^d by proclama^{ti}on & may go thereof without day paying Costs.

A Bill of Indictment having been presented to the Grand Jury aforesayd against John Ballard for Felony and being return^d to the Court here Ignoramus he was discharg^d by proclamation and may goe thereof without day paying Costs.

A Bill of Indictment having been presented to the Grand Jury aforesayd against Judith Sergeanton for receiving Stolen goods And being return^d to the Court here Ignoramus She was discharg^d by proclama^{ti}on and may go thereof without day paying fees

The Bill of Indictment found by the Grand Jury against Joseph Jenoure Gen^t and others was read in these Words Viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Christopher Gale Esq^r Cheif Justice & the rest of the Justices for holding the Generall of the Sayd province

The Jurors for Our Sovereign Lord the King on their Oath do present that Joseph Jenoure late of Edenton Gen^t Peter Young Peter Osborne Charles Cornwall and Tom the Tinker alias Cockram all of the Town of Edenton Labour^{rs} gathering to them many other Malifactors and Disturbers of the peace to the number of ten or more to the Jurors unknown on the Second day of June in the year of Our Lord one thousand Seven hundred & twenty eight in the Second Year of his Majesty's Reign that now is with force & Armes (that is to Say) with Clubbs Swords Staves and other weapons as well offensive as defensive riotously and unlawfully unite gather and assemble themselves together to the great Terror of his Majtys Subjects And to the disturbance of the peace of Our Sovereign Lord the King at Edenton in the province afores^d And being So assembled and gather^d together then & there with force and Armes and riotously in and upon one John Sadler planter then & there in the peace of God & of our Sovereign Lord the King being an assault and affray did make and him the Sayd John then & there with force & riotously did beat wound & evilly Intreat & other hurts to the great damage of him the Sayd John contrary to peace of our Sovereign Lord the King that now is his Crown and dignity &c: And contrary to the form of the laws in that Case made and provided &c. And the Sayd Joseph Jenoure &c by David Osheal their Attorney made their appearance. Whereupon at the motion of Thomas Swann who was directed to prosecute in the room of the Attorney Gen^l the sayd Indiem^t is continued untill the next Court on the last Tuesday in October next.

A Bill of Indictment was presented to the Grand Jury aforesayd against Joseph Jenoure Esq: and was return^d to the Court here Ignoramus.

The Grand Jury's presentment of S^r Rich^d Everard was read in these Words Viz^l The Jurors do present S^r Richard Everard Bar^t and Governo^r of this province of North Carolina for calling Docto^r George Allen

from his own house & striking him with his Cane or Stick twice or thrice on the thirtieth day of April One thousand Seven hundred and twenty Seven by the way of Informa^on of Docto^r George Allen M^r Thomas Betterley M^{rs} Hester Allen and Mary Jones

Sign^d

FRANCIS PUGH Foreman.

The Hon^{ble} S^r Richard Everard Bar^t Governo^r came into Court & charg^d Severall Members of the Court with having tamper^d with the Grand Jury And particularly John Lovick Esq: for having conversed with M^r Francis Pugh who was Foreman of the Sayd Jury Whereupon the Sayd Pugh and the rest of the persons that were of the Sayd Jury came into Court and desired leave to clear themselves which was allowed And they declared that no person whatsoever had ever tamper^d with them concerning any Bills of Indictment or presentments by them made whilst they were upon the Sayd Jury, And M^r Arthur Croxton being further interogated if he had not rec^d a paper from Rich^d Everard Esq: he acknowledg^d that he rec^d a paper from Richard Everard Esq: in at y^e Window whilst the Jury were upon business but that the sayd Rich^d Everard did not talk with him.

On the Motion of Rich^d Everard Esq^r A paper was deliver^d to the Court by John Lovick Esq: which he sayd he had from Arthur Croxton And the Sayd Croxton told him that it was the paper which M^r Everard gave him when he was upon the Grand Jury which paper is by the Court here Order^d to be filed.

On the petition of Docto^r Geo: Allen praying that a Dedimus may issue to examine Catherine Donovan who is an Evidence on his behalf in the Aforesayd Suite of Our Sovereign Lord the King against him & is departed from this Governm^t to Williamsburgh in Virginia and also a Dedimus to examine Thomas Betterley another of his Evidences in the sayd Suite & is departing from hence to N^o England

It is Order^d that Dedimus^a do issue accordingly.

And then the Court Adjourn^d

P^r Order

W. BADHAM C. C. G.

C. GALE C. J.

THO^s LUTON

HENRY BONNER

NORTH CAROLINA—SS.

At a Gen^l Court of Oyer and Terminer and Gen^l Sessions held for the Sayd province at the Courthouse in Edenton begun on Tuesday the

twenty ninth day of October one thousand Seven hundred & twenty eight and Continued by Adjournment to the fifth day of November following

Present

Christopher Gale Esq: Cheif Justice

Major Tho ^s Luton	} Esq ^m Assistants
Major Jo ⁿ Alston	
Major Barn: Mackinne	
Thomas Lovick	
Major Henry Bonner	

And Severall Members of the Council (as Justices of the Peace) to hold the Gen^l Sessions of this Government.

The following persons were impannell^d and Sworne of the Grand Jury Viz^l

Cap ^t John Solley	M ^r James Howard	M ^r Tho ^s Twidey
M ^r Rob ^t Hicks	M ^r James Sanders	M ^r Luke White
M ^r John Speir	M ^r James Bates	M ^r W ^m Arrington
M ^r Joseph Cotton	M ^r W ^m Turner	M ^r Tho ^s Luton Jun ^r
M ^r Rich ^d Skinner	M ^r Edw: Howcott	M ^r David Bayley
M ^r W ^m Harding Jones	M ^r John Blackman	M ^r John Ismay
M ^r W ^m Mackie	M ^r Rob ^t Lowry	

who being charg^d with things proper for their enquiry withdrew and consider^d the matters given them in Charge and on their returne made presentment as follow Viz^l

A Bill of Indictment against Nath^l Martin for Felony

A Bill of Indictment ag^t John Lovick Esq: for Striking y^e Honoble S^r Rich^d Everard Bar^t Governo^r

A Bill of Indictment against Thomas Bell of Chowan precinct for Libelling Coll^o Worley and others

Also they presented John Walker Overseer of the Roades upon the South Shore

And Henry Bradley of Bertie precinct for killing of Cattell in the Woods and not bringing in the Hyde with the Ears on.

And then the Grand Jury was discharg^d from further attendance at this Court.

An Order from the Governo^r and Council was in these Words, Viz^l

NORTH CAROLINA—SS.

At a Council held at the Council chamber in Edenton the third day of Novem^r One thousand Seven hundred & twenty eight Present the Hono^{ble} S^r Rich^d Everard Bar^t Gov^r &c: William Reed Chr: Gale J.

Lovick E. Moseley T. Pollock T. Harvey R. West E. Gale and J. Worley Esq^r Members of the Council.

M^r Cheif Justice Gale informing this Board that Severall Indictm^{ts} had layne before the Gen^l Court for a considerable time against the following persons Viz^l Dom: Rex v. Burrington Idem v. Burrington Idem v. Burrington & Harnet Idem v. Lewis Jun^r Idem v. Oldner Idem v. Porter Idem v. Blount Idem v. Arkill a presentm^t v Worleys Idem v Colding Order^d that the Attorney Gen^l enter a Noli prosequi against the Sayd prosecutions

Sign^d

And in obedience to the Sayd Order It is Consider^d of by the Court here by and with the advice and Consent of the Attorney Gen^l & Orderd that the sayd George Burrington Cornelius Harnett William Lewis Jun^r Thomas Oldner Edmond Porter Thomas Blount William Arkill John & Joshua Worley & Michael Colding be discharg^d from the Severall Indictm^{ts} found against them and also from the Sayd Presentments and may go thereof without day paying Costs.

The Bill of Indictm^t found by the Grand Jury against Nath^l Martin & Susannah his Wife was read in these Words Viz^l

NORTH CAROLINA—SS.

To the Hono^{ble} Chr: Gale Esq^r Cheif Justice & the rest of the Justices of Gen^l Court at Octo^{br} Gen^l Court One thousand Seven hundred and twenty eight.

The Jurors for Our Sovereign Lord the King on their Oath do present that Nath^l Martin of the Sayd province Shoemaker & Susanna his Wife did Viz^l in the sayd province on or about the Seventh day of September last feloniously take and carry away from William Fox Sundry goods Viz^l Cotton & Woolen Yarne so much as would make twenty four Yards of Cloth or thereabouts a Cotton & linen Jackett a fine Garlix Shirt almost new a Course Ozenbriggs Shirt about half worne A payr of Course Tow & Wooll Breeches & a Lease of Land with his the Sayd William's Indenture all of the value of thirty Shillings Sterling which being done vi et armis & feloniously as aforesayd is ag^t the peace of Our Sovereign Lord the King that now is his Crown & dignity &c.

Sign^d

W. LITTLE Att^o Gn.

Order^d that the sayd Nath^l Martin be taken into the Custody of the Provost Marshall or his Deputy & So Secured that he be & appear before this Court to Morrow Morning to make answer to the aforesayd Bill of

Indictm^t And the sayd Nath^l into Court came & acknowledg^d himself indebted to Our Sovereign Lord the King his Heirs and Successo^{rs} in the Sum of forty pounds & Thomas Swann Gen^t in the Sum of forty pounds to be levyed &c: With Condi^on that the sayd Nath^l & Susanna his Wife shall make their personall appearance at the next Court on the last Tuesday in March next on the third day of y^e sayd Court then & there to make answer to the sayd Indictm^t &c:

Also William Fox and William Watts acknowledg^d themselves indebted to Our Sayd Lord the King Viz^l William Fox in the Sum of twenty pounds and W^m Watts in the Sum of ten pounds to be levyed &c: With Condi^on that they shall personally be & appear at the sayd next Gen^l Court then & there to give Evidence on behalf of Our sayd Lord the King ag^t the Sayd Nath^l Martin & Susanna his Wife and shall not depart thence without Lyeence.

John Parke Esq^r the Provost Marshall was examin^d in Court at the instance of S^r Rich^d Everard about what reply M^r James Trotter made upon the Serving an order from the sayd S^r Rich^d on the said Trotter forbidding him to sell Liquor & Victualls And the said Marshall declared that the sayd Trotter told him he had obtained a Lyeence from the Govern^r that M^r Ismay was his Security and if he had done any thing amiss in his House the Security was lyable And that he did not value what the Governo^r could do to him in that matter Also that he should Sell Liquor Still as long as he did not Act contrary to Law or Words to that purpose.

S^r Rich^d Everard came into Court and desired to be Sworne an Evid^{ence} for the King on a Bill of Indictm^t to be prefer^d to the Grand Jury ag^t John Lovick Esq^r And the Court being inform^d that y^e sayd John Lovick had been Comitted into Custody by a Mittimus issued by the Sayd S^r Rich^d in his own Case without legall Examina^ons as by a law of this province in that Case is directed & provided. Wherefore the Court are unanimously of opinion that there should be an Examina^on of Evidences before any Bill be prefer^d ag^t him But the partys agreeing that the Evidences on both Sides should be sworn in Court & Sent to the Grand Jury It is Order^d that they be Sworne And S^r Rich^d Everard William Little & Rob^t Forster Esq^{rs} M^r Thomas Betterley & M^r James Trotter were Sworne & Sent accordingly

A Bill of Indictm^t against John Lovick Esq^r for Striking the Hono^{ble} S^r Rich^d Everard Bar^t Gov^r &c: in these Words

NORTH CAROLINA—SS. Octo^r Court 1728

To the Hono^{ble} Christoph^r Gale Esq^r Cheif Justice & the rest of the Justices of the Gen^l Court

The Jurors of our Sovereign Lord the King on their oath do present that John Lovick of Edenton Esq^r Secretary did Viz^l in Edenton afores^d on or about the Tenth day of September One thousand seven hundred & twenty eight assault & give ill language & blows to the Hono^{ble} S^r Rich^d Everard Bar^t Gov^r by force & armes which is against the peace of our Lord the King that now is his crown & dignity was underwritt John Solley foreman Upon which the sayd Jurors being severall times ask^t by the Court what they intended by the Sayd Returne answered that they did not find the Bill but return^d it as a presentm^t And being told they must returne it either Billa vera or Ignoramus they sayd they could find it no otherwise. Whereupon the Court took under Considera^on the sayd Bill & Returne and being unanimously of Opinion that the s^d Returne is invalid & insufficient for the Court to proceed upon It is therefore Consider^d by the Court that the sayd be quash^t

A Bill of Indictment ag^t Thomas Bell for a Libell against John Worley and others was also underwritt John Solley Foreman which returne being fully consider^d by the Court It is the opinion of the Court here that the Same is invalid & insufficient for the Court to proceed upon. Therefore It is Consider^d by the Court here that the Same be quash^t

The presentm^t found by the Grand Jury against John Walker Overseer of the Roades upon the South Shore was read in these Words Viz^l Nov^r 1: 1728 John Walker Overseer of the Roades leading from the South Shore of Chowan to Pamlico is presented for not keeping the Same in good & Sufficient repair Some of the Bridges being much broken & decayd and not any ways passable without danger of Man or Horse Information by W^m Harding Jones John Solley Forem^a Which being read & heard It is Consider^d of and by the Court here Order^d that it be return^d to the Justices of the p^recinct Court of Chowan for their further Enquiry into the p^raises and the Copy thereof together with this Order to be thither sent.

The presentm^t found by the Grand Jury ag^t Henry Bradley Jun^r of Bertie p^recinct was read in these Words Viz^l The Jurors for our Sovereign Lord the King do present that Henry Bradley Jun^r of Bertie p^recinct on or about the thirtieth day of June One thousand Seven hundred & twenty eight did unlawfully kill Cattle in y^e woods & not bring in the Hyde with the Ears on contrary to Law in that Case made & pro-

vided John Solley foreman Informa^on by James Bates Which being read & heard It is Consider^d of And by the Court here Order^d that it be referr^d to the Justices of the p^recinct of Bertie at their next Court to be held for y^e s^d p^recinct for their further Enquiry into the p^remises And it is further Order^d that Copys of the s^d presentm^t and proceeding thereon be thither Sent.

And now here at this day (Viz^l &c) the afores^d Tho^s Spencer (tho' Solemnly required) came not; Wherefore it is Consider^d and by the Court here Order^d that the Writt of Exigent be Continued returnable to the next Court on the last Tuesday in March next there having been no returne thereof as yet made.

And now here at this day (Viz^l &c) came the afores^d George Allen And the Marshall was com^danded to cause to come twelve &c: by whom &c: who made returne to the Court that it was impossible for him now to procure a Jury

Wherefore the Court are of opinion that there is a necessity for Continuing the Sayd Cause untill the next Court on the last Tuesday in March next and Therefore It is Consider^d & Order^d that the Tryall thereof be referr^d untill that time

And now here at this day (Viz^l &c) the sayd Joseph Jenoure appear^d and Inform^d the Court & gave them to understand that David Osheal who was admitted attorney for him & others is very sick and uncapable now to attend and therefore prays that the Sayd Suite may be continued untill the next Court on the last Tuesday in March next Which was granted And It is made a Rule that they appear & come to Tryall at the sayd next Court.

And then the Court adjourn^d

¶ Order

C. GALE C. J.

APPENDIX.

[HENING'S VA. STATUTES AT LARGE. A. D. 1643. VOL. 1. P. 256.]

ACT XXIV.

The Governor and Counsell with the Burgesses of the Grand Assembly havinge taken into serious consideration the estate of the collony and finding that many people have (through their ingagements in England) forsaken their native country and repaired hither with resolution to abide here, hoping in time to gain some competency of subsistence by their labors, Yet neverth'les their creditors hearing of their abroad here in the collony, have prosecuted them with their actions to the ruine of the said debtors, And having duely weighed the causes and reasons inducing such debtors to leave their country and friends, And if such suits and pleas be thus early admitted before the country shall have come to better maturity, It might hazard the deserting of a great part of the country, Therefore that the general good be preferred before the particular ends of any person, The Governor Counsell and Burgesses do hereby enact and confirm, that all process and suits of this nature be suspended until his majestie shall signifie his royal pleasure herein, Provided that if it shall appear to the Governor and Counsell that the debts so impleaded have relation to the collony either for adventure of any goods or for the accomodation of any planter in or for his return into the Colony, Then it shall and may be lawful for any creditor upon just proof of his debt to have such relief as in justice shall be found due. Any thing in this act to the contrary notwithstanding.

[HENING'S VA. STATUTES AT LARGE. A. D. 1663. VOL. 2. P. 189.]

AN ACT CONCERNING FORREIGNE DEBTS.

Whereas it was omitted to be incerted in the printed laws of this country that monies due in England for any consideration not imported into this colony should not be pleadable here It is therefore enacted and

declared that the said act was never repealed, but that it hath alwayes bin and still does continue in force, and that according to the tenor thereof noe debt whatever is pleadable against any inhabitant of this country but for goods imported in this country.

[HENING'S VA. STATUTES AT LARGE, A. D. 1686. VOL. 3. P. 29.]

AN ACT DECLARING MARYLAND AND NORTH CAROLINA DEBTS PLEADABLE.

Bee it enacted by the governour, councell and burgesses of this generall assembly, and the authoritie thereof, and it is hereby enacted, That all debts contracted, or to be contracted in Maryland or North Carolina are, and shall be recoverable in Virginia in equall manner and by the same lawfull wayes and meanes, as though the same were or had been contracted in Virginia, any law, statute or usage heretofore to the contrary notwithstanding.

[FROM GRIMKE'S PUBLIC LAWS OF SOUTH CAROLINA.]

AN ACT TO SUSPEND PROSECUTIONS FOR FOREIGN DEBTS PASSED SEPTR 25th 1683.

[The text of this Act has not come down to us, but its purport can be gathered very easily from the following letter of the Lords Proprietors in regard thereto.—EDITOR.]

[B. P. R. O. COLONIAL ENTRY BK. VOL. 21.]

LORDS PROP^{rs} OF CAROLINA TO THE GOV^r & DEPUTIES.

WHITEHALL this 9th of June 1684

We have seen an Act passed in that part of our Province of Carolina that is under your Government intituled an Act to suspend prosecution for Foreign Debts dated the 25th of September 1683 which Act totally prohibiting the prosecuting of any body for any debt Debate controversy

Action or Cause of Action duties or Demands whatsoever, arising without the Limits of Carolina, is in effect to stopp the currant of Common Justice, and against the Kings hono^r & dignity, & more than you have power to do it being directly repugnant to the Laws of England wherefore we do think fitt to let you know, that we do no way consent to the said Act nor are you to suffer it to be put in Execution, for we have power only to make Laws not repugnant to the Laws of England, And by an Act of Carolina to stopp or prohibit any man sueing for his debt though not contracted in Carolina, is repugnant to the Laws of England.

Wee are extremely concerned to find that we have been so unfortunate as to place the trust of the Government into the hands of men who have no greater regard to the reputation of it, & who being themselves Magistrates and to Administer Justice to others have had noe share by a Law to publish to the world that if any man can get into his possession another mans estate or goods let him come to Carolina and he shall by the Law be protected in the unjust detention of them, but though those we did intrust with the Government have thus forgotten their duties, we ought not to forget ours, and that we may to the world testify our dislike & abhorrence of such an attempt, we do require you S^r Richard Kyrle our present Governor and of whose aversion to such Actions wee have good assurance to inquire if any of the Justices or Sheriffs of the County Courts have had any hand in the promoting of this Act And if you find they have that you dismiss them from their places & put men of better principals in their room for we can expect no good Administration of Justice from such men And whereas we did formerly by our Instructions give power to the Governor & our Deputyts to pass Laws that should be in force for two years & no longer unless in the mean tyme they were ratified & confirmed by us, wee doe now think fitt & hereby do repeale the said power, And our will & pleasure is, and you are hereby impowered to pass Laws that shall be in force for two years and no longer unless ratified by us, and shall cease and become voyd before the expiration of the said two years as soon as under the hand & seale of the Pallatine & three more of us the Lords Proprietors, we signify our dissent to or our disapprobation of any of the Laws passed and this to continue until otherisise ordered by us or the fundamental Constitutions come to be put fully in practice.

(Signed) CRAVEN pl^{ne} [Seal]

P COLLETON ALBEMARLE [Seal]

BATHE for the LORD CARTERET [Seal]

To the Governor & Deputy &c

[REPRINTED FROM S. C. STATUTES AT LARGE. 1696. VOL. 2. P. 124.]

AN ACT FOR THE ENCOURAGEMENT OF THE BETTER SETTLEMENT OF SOUTH CAROLINA.

Whereas several honest and well meaning persons by misfortunes in the wars between the Crowne of England and France and other similar accidents have been brought in debt more than in due time they were able to pay to avoid the urgency and severity of their creditors and to gaine time to enable themselves to pay their debts have been forced to remove themselves and families out of Europe into his Majesties plantations in the West Indias and out of one plantation in the said West Indias into another: To encourage such persons to transport themselves and families into this Collony, the most fertile in the West Indias and to enable them and such others already here by their industry and diligence imployed on a fruitfull soil to pay their debts,

1. *Be it enacted* by his Excellency William, Earl of Craven Palatine and the rest of the true and absolute Lords and Proprietors of this Province by and with the advice and consent of the rest of the members of the General Assembly now met at Charlestowne for the southwest part of this Province *And it is hereby enacted* by the authority of the same, That no person now inhabiting in South Carolina shall be arraigned sued or impleaded in any court or imprisoned for any debt whether the same be by bill bond or any other specialty, reckoning or account whatsoever, contracted before his arrival into South Carolina till after five years after the ratification of this act and that no persons whatsoever who shall hereafter transport themselves into South Carolina there to plant and inhabit shall be arrested sued or impleaded in any court or be imprisoned for any debt whether the same be by bill bond or any other specialty accompt or reckoning whatsoever contracted before his arrivall here till and after five years after his arrival here.

2. *Provided always* and it is hereby further enacted that no factor agent merchant or other person whatsoever who hath or shall contract any debts for goods wares or merchandizes or for money or credit to buy goods wares or merchandizes to be brought into South Carolina shall have any benefit or privilege by this act anything therein to the contrary notwithstanding.

[B. P. R. O. COLONIAL ENTRY BK. VOL. 21.—LAST ENTRY.]

To the Right Honorable Seth Sothell one of the Lords and absolute Proprietors of the Province of Carolina Chancellor Governor and Commander in Cheefe of all theire Majestic's Forces in the said Province.

Right Hon^{ble}

Please to admit of an adress which though it contains little else besides the relation of those mistakes which usually attend affairs transacted at a thousand leagues distance and the uneasiness allwayes subsequent thereto yet at this time is the happy result of yor Hon^{rs} arrivall into this part of this Province for the reaverence and fidelity which we scarcely owe to all the Loards and absolute Proprietors of this Province and the certaine knowledge we had that thaier Loardships in generall ware neaver rightly informed of their affairs here hath now for many yeares encoraged us to patience under w^{ch} we have not permitted ourselves even to sighth soe loud as to be heard by their Lordships yet overjoyed with your presence we are of a suddaine full of hopes y^t all which is amiss will be amended and those miserable disquietudes and uncertaintyes w^{ch} we have labored under will be noe more heard of except in the method the Lords Proprietors shall be pleased to use in the ablation of them, The age of the Story we are to tell and the variety of matter will not admitt of a very short discourse but we shall industerously avoyd prolixity and Pharaphrase & shall onely give trew and plaine narative of affaires which we hope like things demonstrative to the sences will at first sight sufficiently express y^e knowledge of y^e maledy we would have cured, and we in most humble manner by the favor of y^r Honor to peruse this paper yorselfe and send it to his Excellency the Palatine and every other of y^e Lords Proprietors singly with such advantage to this Country and such candor and favor as your Hono^r hath soe often since your arrivall here given us reason to expect from your Goodness Bee pleased therefore to be informed that in the year 1669 the Right Honorable the Lords and absolute Proprietors of this Province did encorage by seaverall gracious concessions seaverall people to come in their vessells provided by them to inhabitt this part of their Province and with the said people did send one Commission under their hands and the greate Seale of the Province dated y^e twenty sixth day of July 1669 directed to Co^{ll} W^m Saile Gouvernor & others his Councillers and assistances with Instructions alsoe

for Gouvernement annexed to y^e same y^t their Lordships did alsoe send with y^e said Comission and Instructions Fundamentall Laws Constitutions under the hands and Seales of six of their Lordships and beareing date the twenty first day of July. 69. as y^e unalterable forme and rule of Gouvernement for ever for their Province of Carolina and y^e Inhabitants thereof and y^e Gouvernor & Councillers are five times referd to y^e same in y^e said Commission & Instructions and farther to induce those Fundamentall Constitutions which ware fairely ingrosed in Parchment and signed and sealed as aforesaid by a higher and more seacred & solemne manner then any article in them did require and then hath since been prescribed upon the proposall of any other Laws or Fundamentall Constitutions whatsoever all persons were required by the said forementioned Institutions to sweare submission to the said Fundamentall Constitutions before they could be admitted to take up Lands or have the Hono^r of being Comon^{rs} of y^e grand Councell and seaverall hundreds of the people arriving here did sweare accordingly, Wee are the more exact in this relation because it hath been of greatest moment with us here & because to our greatest admiration we have seen a letter read in parliment y^e 14th day or February 1687. dated the 3^d of March 1686. and signed by their Lordships the Earle of Craven the Lord of Bath for the Lord Carteret his late grace the Duke of Albemarle & S^r Peter Colleton w^{ch} utterly denied the said Fundamentall Constitutions declaringe them to be but a Copy of an imperfect Orriginall and much more w^{ch} wee are not willinge to write nor will we here answer y^e particulars (in all w^{ch} their L^dships are misinformed) Least we should seem to love contention while our designe & humble supplication is wholly to desire the Lords Proprietors to be rightly informed and in this case we shall doe noe more but humbly refer yo^r Hono^r and their Lordships to the records in the Seacretarys office w^{ch} will (we doubt not) plainly shew y^t nothinge between y^e Lords Proprietors and the people hath been transacted soe sacredly and with soe much solemne Caution on their Lordships parts as this affaire of the Fundamentall constitutions dated the twenty first day of July 1669. and how many soever of their Lordships signed & sealed any other Constitutions in England none ware ever publickly seen here subscribed and sealed with more hands & seals then these and (allwayes reservinge the respect and honour that is due from us to each particular Loard Proprietor) we humbly take notice y^t his grace y^e Duke of Albemarle and the Earle of Bath ware not concerned in y^e propriety of this Province when those Fundamentall Constitutions ware made and his Excellency the Earle of Craven hath allwayes been obliged to attend the grate Affaires of the

Kingdom soe neare the Royall Throne. That it is not rationall to believe that his Lordship can remember such sort of particulars as are sett downe in y^t Letter for neare twenty yeares togeather and we are also assured that his Lordship Keepest not the Secretarys office or indited the Letter and therefore we leave this matter to be ajusted (if now any occasion remains) by the records of the Grand Councill here and the whole Circumstances of the Matter duly realated.

That afterwards y^e Lords Proprieters did send to their Gouvernor & Counsell heare new Instructions under their hands & Temparary Laws under their hands & seales both dated y^e 10th of May 1671. & those Instructions did seeme in one Article to direct to some Fundamentall Constitution which had not before been seene & about Feb. 167 $\frac{2}{3}$ the Gouvernor Co^{ll} Joseph West did propose to the Councell in the name of the Lords Proprieters a booke of new Fundamentall Constitutions under the hands and seales of their Lordships and dated the first of March 1669 to be subscribed unto by all men as the sacred and unalterable forme & rule of Government for ever for this Province of Carolina and afterwards in the yeare 1677: the same Fundamentall Constitutions were againe by y^e said Co^{ll} West in the Lords Prop^{rs} names proposed in Parliament as before In Councell but they were received in Neither because the people had all sworne to the Constitutions before mentioned and here we humbly desire y^r Hono^r to observe y^t in a letter dated y^e 16th of 7^{ber} 1671 y^t their Lordships are pleased to write that the Fundamentall Constitutions were the termes upon w^{ch} people had settled in their Country and that therefore the people had reason to expect they (y^e Lords Proprieters) should (as they did resoulve to do) make them good to them and at y^e time y^e Fundamentall Constitutions dated y^e first of March 1669 were not sent hither or knowne to be made w^{ch} further appears by an other letter from their Lordships to y^e Governor and Councill here dated the 26th of June 1672 in which their Lordships write y^t there with their printed Fundamentall Constitutions which are those dated y^e 1st of March are sent and that Letter with the said Fundamentall Constitutions were received here the 8th day of Feb. followinge and then the y^e said Fundamentall Constitutions are first declared by their Lordships an Authentique Coppy and in the said Letter alsoe subscribed by power of their Lordships which had alsoe signed and sealed the Fundamentall Constitutions dated the 21st of July 1669. their Ldships are pleased to condesend to give such reasons for the alterations and aditions in y^e printed Coppey and difference from the former y^t it plainly appears their Lordships disownes y^e former Fundamentall Constitutions (to w^{ch} y^e people generally

had then three yeares been sworne) and are pleased to add that their Lordships are now resolved ultimately to stick to y^e printed Fundamentalls without any further mutation but we humbly refer your Honor to y^e said Letter itselfe w^{ch} seems to know nothing of the reasons given in the other letter before mentioned and dated y^e 3^d of March 1688⁷ we shall not add upon this matter further then y^t we are well informed y^t these printed Fundamentall Constitutions have been & are y^e establisht rules of Government in Albemarle County in this same Province and there confirmed in Parliament and that allsoe in this Government the Lords Prop^{rs} did by severall temporary Laws and Instructions and Letters under their hands and seales (before y^e yeare 82) about twenty five times direct that y^e Gouvernement should be carried on and maintained accordinge to them.

That afterwards in the yeare 82. the Lords Proprietors were pleased to send one other new Fundamentall Constitution under y^e hands & seales of six of their Lordships and dated y^e 12th day of May 1681. to be and remaine y^e sacred and unalterable forme and rule of Government of Carolina for ever and with the same did alsoe send a letter dated y^e 10th day of May 1682. in which they were pleased to give certaine reasons for not first proposing y^e said Fundamentall Constitutions to the people and farther declaring that they did not pretend at any time hereafter to have power to alter anything in the Fundamentall Constitutions & without the people's consent but at the same time did more authentiquely by certaine Instructions under their hands & Seales of the same date with said Letter (w^{ch} was under their hands onely) direct and order y^t noe Person should be chosen a member of the Councill or Parliment or have the Liberty to chose the Land due unto him before he subscribed submission to new forme of Government established in this last Fundamentall Constitutions and the People remembringe their oathes to the first and deeming these not to be agreeable to the Royal Charters which direct the assent and Approbation of the people to all Laws & Constitutions did deny to receive the said Fundamentall Constitutions.

That a short time after this (before any newes of denying y^e third could be heard of in England) another Fundamentall Constitution under the hands and seales of foure of the Lords Proprietors and under the greate seale of the Province and bearinge date the 17th day of August 1682. was sent to and proposed at the Councill board to be received and subscribed to w^{ch} fourth for the same reasons were refused as formerly the second and third the Letters from the Lords Prop^{rs} dated the 20th of 9^{ber} 1682. & the 13th of 7^{ber} 1683. did declare noe other reason for the sud-

daine alteration but that it was done at the request of the Scotts & other considerable Person.

That afterwards the Lords Proprietors did in a Letter dated the 13th of 7^{ber} 1683. revoke till further order the power given before to the Governor to confirme and rattifye in Parliment the said Fundamentall Constitutions dated the 17th of May 1682, and were pleased to give as a Reason for their soe doeing that the Scotts had desired some aditions might be made for the Bennefitt of the people but one of their Lordships in June followinge writt to Sir Richard Kyrle Governor y^t the reason was because the people ware perswaded to reject y^m by seditious persons and therefore for staveinge y^e Lords Hon^r the people should Petition for y^t they were perswaded to reject which notwithstandinge wee further in all Humility informe y^r Hon^r

That the Lords Proprietors did soone after send certaine Instructions under their Lordships hands and seales dated the twelfth day of March 1684 containinge thirty eaight Articles and in the thirty eaight Articles thereof did repeale and make voyd all former Instructions & Temporary Laws whatsoever and ordered that the third Fundamentall Constitutions should be subscribed submitted to and put in practice as unalterable &c. Whereupon the Commoner Representatives of the people in the Grand Councill did enter one Protestation In the secretary's office dated the — of December 1685 against all the articles of the said Instructions that did direct the Government to be according to the said third Fundamentall Constitutions dated the 12th day of January 1681. (againie imposed) and against all other Fundamentall Constitutions whatsoever except the first to which the people had sworne as aforesaid.

That upon the nineteenth of 9^{ber} 1685 the Parliment which consisted of eaight deputyes to the Lords Proprietors and twenty Comoners (one whereof was absent) did meet at Charles Towne and Landgrave Joseph Morton did accordinge to the Lords Prop^{rs} Instructions call all the members to subscribe in a booke to maintaine their Fundamentall Constitutions, (which by the Instructions being declared) to be those of the 12th of January 1681 $\frac{1}{2}$ twelve of the nineteen did refuse to doe because they had sworne to those dated the 21th July 1669. and therefore were ordered by the said Governor to avoyde the house and the seven Comoners remaininge with the eaight Prop^{rs} Deputyes did (without them) proceed and enact severall Laws for the Government of the Inhabitants in this Colony & the 12. excluded members did protest against the illegality of their exclusion &c as appears by their protestation under their hands & Seales dated the 20th day of 9^{ber} 1685 & given into y^e Govern^r's hands in the Parliment house the 24th of the same month.

That while Landgrave Colleton was Governor a Committee in a Parliament was appoynted to inspect the Fundamentall Constitutions and propose such alterations as they should think fitt the worke grew voluminous suddenly but in another Parliament all y^t was layd aside for (some heates arisinge in the house) Langrave Colleton did upon the 14th of Feb. 1687. in some passion produce the abovementioned Letter from the Lords Prop^{rs} and directed to the Governor Deputies Councill and Parliament and dated the third of March 1687 and commanded the Clarke to read itt and thereupon it was afterwards recorded in the Archives of the grand Councill & an authentique Coppy taken of it and in two Parliaments since the Comoners of the Parliament as well as the Governor and Lords Deputies have denyed to act accordinge to the first Fundamentall Constitutions disowned by the Lords Prop^{rs} in the said Letter and the people haveinge not accordinge to the Royal Charters assented or approved of any Fundamentall Constitutions in Parliament have unanimously declared that the Government now is to be directed and managed wholly and solely accordinge to the said Charters and in particular the last Parliament did deny that any bill must necessarily pass the grand Councill before it be read in Parliament and did profer for y^e maintenance of peace and justice to assent to and approve of any Law for y^t end to be made accordinge to y^e directions and Commands in the said Royal Charters but the Governor and the Lords deputies presinge to proceed as formerly viz. by haveinge all bills first past the Grand Councill Nothing was done and at this time not one statute Law is in force in this Collony.

That as soon as the said Parliament was dissolved some few people mostly the most ignorant were with greate industry put upon and perswaded to subscribe a petition to the Governor for settinge up Martiall Law some (as the French in Towne ware tould it was onely to cause a guard to be kept in Towne) Others were perswaded by the Governor himselfe to petition without their knowledge or consent and then on the 18th day of March last the Pallatines Court without adviseinge with y^e Comon^{rs} of the Grand Councill published certaine articles of war still permittinge preposterously the Courts of Common Law to be kept open, against this y^e Comoners of the Grand Councill earnestly with all due reverence desired to be heard speake and shew how little necessitye or Law there was for such unusuall methods of Government in a Country where all people were soe obedient and peaceable but were denyed absolutely by the Pallatines Court which caused the Commoners to draw one protest against the said Martiall Law but least they should put in the said protest at the Councill board the Councill was shifted and Orders

given y^t noe notice should be given them whereupon thay offered to file the said protest in the secretarys Office but the secretary would not receive it thereupon the whole Cuntrey imediately was exceedingly disturbed those few that had signed the Petition cryed out thay were betrayed many prepared to leave the Cuntry but most people were soe weary of the discontents that attended their thoughts upon this illegall tirannicall and apprehensive way of Government that they were more concerned to be provided against their friends and fellow subjects here then the publick Enemy abroad and the ferment grew soe high that nothing but desperation was generally observed among the people the miserable consequence of which was blessedly evaded by your Hon^{rs} arrivall but to abate these discontents an imprudent and dishonorable discourse was spread abroad that the Martiall Law was put up the better to come up with some persons y^t had disobeyed the Pallatines Court and as such illegall and arbitrary proceedings are commonly maintained by falsehoods and the meanest and basest meanes the late Governor and Deputies did in all their private discourses affirme that there was noe other way left but to governe by martiall Law because the Comons of the late Parliment had absolutely denyed to make Laws for the Government of the Millitia and to provide for the defence of the Country whereas the said Comons did then and 13. of them have since sworn that they the whole Commons did propose to pass an act for the Establishment of the Militia and further as in the Coppy of the said Oath herewith sent is fully declared but these low falsities beinge soone discovered the articles of war were for sometime not severely put in practice but in this case as in all other publick actions an Endeavor was made upon pretence of this Law to stopp all persons from goeing abroad to trade with the Indians while the late Govern^r was providinge to send himselfe and did alsoe after a little time, goe in his owne person out of the Settlement and comanded agen as formerly noe Yamasee Indians to goe and assist any man in trading but himselfe and then sent people to trade &c But we shall not further observe upon this tirannicall martiall Law but leave it in the grave y^r Hon^r hath thrown it into renderinge our most humble thanks to you for y^r justice therein.

That the methods which those principally entrusted by the Lords Prop^{rs} have for many yeares used for the imposition of the severall Fundamentall Constitutions aforementioned have caused much uneasinesse and trouble to the good Inhabitants of this Country in generall and many persons in particular have felt upon the least surmised occasion the indignation rather then y^e Justice of those that Governe here and many

thousands of people have been deterred from cominge hither to the disconsolation of those y^t are here and the disprofitt of the Lords Prop^{rs} and many alsoe left the Cuntrey being not willinge to live constantly after soe uncertaine and unquiett a rate.

That there is frequent mention of Indian Deallars in the Lords Prop^{rs} letters to the Government here with seavere reflections upon them but both before and since those Letters great endeavors have bin used to monopolize the whole Indian trade but wee forbare to mention here the whole matter because we cannot doe it without Reflection upon some of the Lords Prop^{rs} and soe wee onely instance that the late Governor, Landgrave Colleton (who is believed upon rational grounds to have a partner in England) did with y^e Councill make an order that to prevent quarrells and bludshed noe persons should goe into y^e inlands to trade with the Indians and some persons were troubled for their disobedience but the said late Governor sent out English men and Indians contrary to the said order & under a frivolous pretence did command and enjoyne the Yamasees Indians (the onely People fitt to assist the English in away of trade to the Inlands) not to goe with any person whatsoever without his order and though wee have never wanted Corage to regulate by Laws the Indian Trade soe as that the Colony should not be in any danger from thence yett wee have been alwayes interrupted and obstructed by such Private doings as these.

That we have often received Letters from the Spanish Governor at St Augustine which wee use to answer with Courage and wee hope with prudence but the Spaniards did invade us in the yeare 1686 destroyd seaverall plantacons and mutch stock and most barbarously burned alive one of our people and carryed others away into Captivity and y^e whole Cuntrey did resolve by fresh pursuite to be revenged upon them but the late Governor ariveing here forbid it at that time and afterwards when a new Governor at St Augustine did send a Fryar and a Lieutenant to treat with y^e Government here about all differences &c. The Governor here (Landgrave Colleton) did not advise with the Comoners of the Councill about the matter (unless once when he desired the Spanish messenger should by their consent be maintained out of the Publick Treasury) but did contrary to the Honuo^r of the English nation pass by all the bloody insolencys the Spaniards had comitted against this Collony and did with others enter into a contract of Trade with the Fryar and sent goods with him wee are of Oppinain wee ought not to be angry at a trade with the Spaniards but as Englishmen who wanted not corage to doe themselves honorable sattisfaction we could not but admire y^t soe

execrable a barbarity comitted upon the person of an Englishman and the great desolation that was made in the south part of this settlement should be buryed in silence for the hopes of a little filthy lucre which however was missed of because the Fryar neaver sent the returnes promised but the Spanish Governor sent in money what he thought was the prime cost but would never send back the negroes y^t have run away from hence theither sendinge onely complimentinge and faire promiseinge Letters while the negroes are actually imployed in buildinge a fort on this side S^t Augustine and demandinge the Christian Spanish Indians the Scotts formerly settled at Port Royal did cause to be brought to them & which (most of them) were sent off to the other Countreys and sould as slaves and about w^{ch} action the Governor and Councill here writt at large to all the Lords Prop^{rs} in a letter sent in the yeare 1686 to one of their Lordships by Capt. Ralph Crow but of which wee have never heard since nor can understand that all the Lords have seene it.

That the deputies and other Magistrates and Officers Civill & Military have been every day put out and others put in without any respect to there qualities parts, honesty or other abilitys and the Comoners of the Grand Councill turned out under pretence of misdemeanour for any unwary action or word comitted or said out of Councill or over a bottle of wine in a tavern and this hath been and still may be done with ease for there is but eight Comoners when all the places are full (which seldome happens of late yeares) and if one of the deputies charge one of them with any action or word misdnone or said the person accused must stand by and then there is eight deputies to vote against seaven Comoners which not onely in this Case but in all others makes the grand Councill (w^{ch} is alsoe all Courts of Justice except the County Court and receives allsoe appeales from that) be wholly in all its Judgements, acts, orders and ordinances as the Governor & Deputies please and then not onely have a negative but an affirmative upon all oocations and to justifeye all this doe record y^e matters as they please and have entred men present when absent &c. as we are ready to prove.

That several Gentlemen wholly unknown to y^e Lords in generall have been turned out of all places of Hono^r or profit and forbid to be admitted to any by Letters from the Lords Prop^{rs} and the said Gentlemen never see much as spake to or called to answere for any misdemeanour thay had comitted contrary to all Justice and Equity and when some fault hath evidently (and not to themselves) been imputed as pehaps sending off of Indian Slaves &c. y^e persons accused have been ready to clear themselves and to declare and prove other reasons for such their usage

and in particular that the crimes they were charged with were in the badest sense imputable to those that informed against them.

That a Comission was sent to examine some witnesses about some Gentlemen dealing with and this Comission was directed to those y^t were generally most guilty and the Comission beinge lost the Commissioners signed and sealed another new Comission for themselves to examine the matter and then did proceede to examine witnesses after such a partiall manner as never was heard of in particular askinge the witnesses whether thay did not meane soe and soe contrary to the words of the witnesses and another said to an ignorant man a Wittness come friend tell me in short the heads and we will have it put into forme &c. and at last the Gentlemen were cleared and considering y^e dealing some of these Comissioners had then had (as well as since) with those Piratts it was easily conjectured that these Gentlemen were intended to be exposed upon the accompt of particular dissatisfaction conserneinge other matters taken against them by particular persons but since we have said the Lords Prop^{rs} did send the said Comission and Letter we do herewith all sincerity declare that we utterly abhor and detest the thoughts of imputinge the least fault unto their Lordships in Generall in this or in an other case beinge well assured y^t their Lordships have not leisure to mind the minute transactions and affaires y^t arise from hence and y^t in particular we are well informed that their Lordships doe not know the names or persons of people here (generally speakinge) till they heare of them from those of their owne honourable number w^{ch} keepe correspondence with some here and we hope to be the rather believed in this when wee have further informed your Hono^r and their Lordships.

That most of the Gentlemen of this Countrey are soe unhappy as not to know the Lords Prop^{rs} or to have correspondence with any except one or two of them and thay are discouraged from writeinge to those too because thay have not agreed in opinion with them concerninge Fundamentall Constitutions Indentures for lands and in matters of orderinge then Indian trade but when thay have writt freely their minds they have been chekt and some dealt hardly with therefore and the Letters sent to the Lords Prop^{rs} from the Councill sealed & signed by the Comoners have not been believed and others not delivered but misrepresented by construction made according to the Lettor of those four or five persons here who must and we had almost said dare not write but as shall plesse those who direct them for though most of them be Lords Deputys yett thay are put in by the Governor here and there persons & dangerous insufficiencies wholly unknowne to the Loards who they represent And this it is

y^t these men which most of them here are knowne to be extremely perverse or ignorant men are the onely Informers of matters here which however would not be of soe bad a consequence if other persons could have the opportunity to speake for themselves or when they have found other Judges then those who have informed against them and are thereby become Parties.

That the Lords Prop^{rs} forbidding Pattens to be passed as at first for Lands and enjoyneinge all persons y^t will have lands to take them by Indentures in which the words or the value thereof are left out and a reservation expressed of reentry whereas in the Pattents and in all the Fundamentall Constitutions it was expressed a penny an acre or the vallew thereof without any mention of reentry hath been the occation y^t many hundreds of People have deserted this Colony and that many thousands have forbore cominge hither. The Lords Prop^{rs} have been pleased in their first consesions Agrarian Laws and Fundamentall Constitutions to publish to the world y^t men here should have Lands by Pattents for a penny an acre or the vallew thereof and people upon that Encoragement came hither not doubtinge but y^t thousands would soon follow them but thay are to their great misfortune deceived and unless the Lords Prop^{rs} will be pleased to convey their Land by some easier way are like to be left alone here and in particular many People did not at first take up all their Lands due to them because of the poverty and other Incumbrances that did attend the new settlement and those think themselves extremely hardly dealt with all that they cannot have Pattents as those had that came here at the same time with them, We doe not presume to prescribe methods to the Lords Prop^{rs} of disposing their own Lands but wee humbly propose it as rationall y^t men that cannot gett money in this Country where there is noe mint may pay their rents in the most valluable and marchantable produce of their Lands it was soe in England till tenents by the increase of a forraigne trade found it best for themselves and Land Lords to pay in money it is now soe in most of the East Cuntreys and particularly in most part of Scotland where the great mens estates in their publick acts of Parliement are vallew'd by the number of chaldrons of corne thay receive for rent we shall not adde upon this matter but y^t we in the behalfe of the whole Countrey most humbly and heartily begg and beseech the Lords Prop^{rs} out of their favourable beneficence to be pleased to grant y^t whatever y^e consequence be y^t y^e Lands shall therein be granted for a penny an acre or the vallew thereof without any expressed reservation of reentry and the people will allways in Parliement or otherwise be ready to adjust the price of comoditys soe as that

y^e Lords Prop^{rs} shall be gainers and then we doubt not but in a very few yeares to see such multitudes of Tennants here as y^t their Lordships shall quickly be reimbursed their great charge and this we are the more confident of because we are encoraged with severall new rich Comodities as silk, cotton, rice and indigo which are naturally produced here.

That we cannot but with abhorrence and detestacion thinke of the base and vile usage yo^r Hono^r received after your arrivall here from y^e Lords Deputies and the late Governor and as a marke of our Duty be pleased to admitt of our sence of the matter as followeth

Wee thinke them to have been extreeme rude and unmannerly in not wayteinge upon your Hono^r at any time after your comeinge a shore while all the Gentlemen and considerable persons in the Countrey did as soone as thay heard of yo^r arrivall immediatly attend yo^r Hono^r and paid their respects to yo^r person and made their due acknowledgments of those illustrious qualities y^t attend it Wee thinke alsoe y^t their actions and words towards yo^r Hono^r in the first meetinge you had with them which was at a Pallatines Court was very rude and unjust in endeavoringe first to enter a false record conserninge you and then in threatninge to doe y^t which afterwards thay endeavored but failed to doe because your Hono^r not at their request subscribe the Coppy of Fundamentall Constitutions the Orriginall whereof you had before signed and sealed in England and yett at the same time suffer a record to be made that you did approve of certaine Instructions as a rule of Government in this Colony which were in some articles contrary and in some prefered even before these Fundamentall Constitutions yo^r Hono^r best knowes how they dealt with you that day while we were absent but we earnestly begg that your Hono^r will yourselfe write to the Lords Prop^{rs} an exact accompt of that days transaction in the Pallatines Court (for we y^t are well experient in the untoward shifts they have now a long while used to Governe by here) are afraid y^t thay will not write to y^e Lds. Prop^{rs} w^{ch} thay correspond with what Is and was really done and said but what shall be most necessary to justifie their after seditious & wicked practices against your person and this we rather believe because they have reported strange various Tales conserninge yo^r Hono^r which sometimes contradicts themselves and are allwayes very undecent and unlikely but wee cannot with patience endure the thoughts of nor find fitt words to express their undutifull and rebellious actions few days after when they caused the drums to beate at Charles Towne and Souldiars to take armes without your Knowledge and order (though you were then in Towne alsoe) and did cause to be fixed up in a publicke place in the said Towne as alsoe to be filed

in the Secretarys Office a most pernicious and seditious libel against you chargeinge you with Treason and other Crimes to be comitted by you and declaringe that the people need not obey yo^r Hono^r as Governor till thay under their hands & seales did please to admitt of it which had certainly put the whole Country into blood and distraction had not the justice of your cause been soe plaine and obvious to every man and their malice been soe extravagant and ill guided by the meanness and weekness that attended them but we doubt not but in due corse of Law your Hono^r will lett them know that the Lawes will be exerted against those that dare soe publickely offer such abominable insolencies against the person and rights of one of the Lords and absolute Prop^{rs} of this Province and wee give our most hearty acknowlegdments for y^t your Hono^r hath been pleased to lay aside soe many of the deputyes as by Law and the Lords Proprietors Instructions you might the whole Country being apparently thereby preserved from confusion and dissolution and we alsoe render our particular thanks that you have already issued out your writts to call a Parliament as by a Petition voluntarily signed by power or five hundred of the best people in this County you were humbly requested to doe and wee doubt not but in the next parliment Laws will be made to preserve the whole Collony in peace and prosperity and from all enemies abroad and Martiall Law without legall occasion at home, as to the signeinge agen of the Fundamentall Constitutions we will not trouble your Hono^r with any discorse or arguments this Paper beinge intended generally as a bare narrative of former Transactions here without the adition of our one particular oppinions in a matter of y^t Moment as to the Instructions wee owne that the Lords Prop^{rs} have the power of sending and such as thay please but cannot believe that their Idships did ever intend y^t Prima facia and without the assent and approbation of the people thay are to be received and put in practice as Statute Lawes except in such Matters as wholly belong to their Lordships order and direction accordinge to the Royal Charter and we humbly observe that the late Instructions to which the Deputies would have had your Honour made a record of your approbation of them as absolute rule of Government are in some articles contrary to the Lords Proprietors Fundamentall Constitutions in matters practicable at this time and in two articles are positively prefered before all Fundamentall Constitutions wee have noe more to trouble your Hono^r with at the present and the rest of the Lords Prop^{rs} but humbly to informe that we are resolved in the next Parliment to promote the sending home to England of two persons sufficiently comissionated to treat with the Lords Prop^{rs}

about all the affaires of this part of their Province and that we hope such agreement will thereby be made as that wee shall hereafter flourish and prosper in meantime we shall endeavor as much as in us lyes to assist your Hono^r according to our dutys to keepe peace and tranquility here and to cause justice to be distributed accordinge to Law.

[B. P. R. O. COLONIAL ENTRY BOOK. No. 22.]

COPY OF THE FUNDAMENTAL CONSTITUTIONS OF
CAROLINA AGREED ON BY ALL Y^e LORD PROPRIETORS
AND SIGN'D AND SEAL'D BY THEM (THE ORIGINAL
BEING SENT TO CAROLINA BY MAJOR DANIEL)
APRIL 11th 1698.

Our late Sovereigne Lord King Charles y^e Second having out of his Royall grace & Bounty granted unto Us y^e Province of Carolina, with all y^e Royaltys Proprietys Jurisdictions and Priviledges of a County Palatine as large & Ample as y^e County Palatine of Durham with other great Priviledges for y^e better Settlement of y^e Governm^t of y^e said place and Establishing y^e Interest of y^e Lords Proprietors with Equality & without Confusion and that y^e Government may be made most Agreeable to y^e Monarchy under which we live, & of which this Province is a part, and that wee may avoid Erecting a numerous Democracy, Wee the Lords Prop^{rs} of y^e Province Aforesaid with y^e Advice & consent of y^e Landgraves & Cassiques & Comons in this present Parliam^t assembled have Agreed to this following forme of Governm^t to be perpetually Established Amongst Us into which wee doe oblige ourselves, our heirs & Successors in y^e most Binding Ways that can be devised.

1. The Proprietors Court shall consist of y^e Palatine, and Seaven Prop^{rs} wherein nothing shall be acted without y^e presence and consent of y^e Palatine, and three others of y^e Lords Prop^{rs} This Court shall have power to call & Dissolve Parliam^{ts} to pardon all offences to make Elections of all offices in the Prop^{rs} Disposall, to nominate & appoint Port townes and also shall have power by their Order to y^e Treasurer to dispose of all publike Treasure Excepting money granted by y^e Parliam^t and by them Directed to some particuler publike Use, and also shall have a negative upon all Acts, Orders, Votes & Judgem^{ts} of y^e Parliam^t and shall have all power granted to y^e Lords Proprietors by their

Patent by our Sovereigne Lord y^e King, Except in such thing as are limited by these Fundamentall Constitutions.

2. During y^e Absence of y^e Palatine & Prop^{tors} from Carolina y^e Governor Comissionated by y^e Proprietors together with their respective Deputys shall be the Prop^{tors} Court there and shall have all y^e Powers above mentioned Excepting in pardoning offences & Constituting Port townes.

3. In y^e Prop^{tors} Court the Palatine and any three of y^e Prop^{tors} or y^e Governor and any three of y^e Prop^{tors} Deputys shall make a Quorum.

4. Noe Deputy of any Prop^{ior} shall have any Power whilst the Deputator is in any part of Carolina Except y^e Proprietor (whose Deputy he is) be a Minor.

5. During y^e Minority of any Prop^{ior} his Guardian shall have power to Constitute and Apoint his Deputy.

6. There shall be a Parliam^t consisting of the Proprietors or their Deputys by themselves the Landgraves & Cassiques in y^e Upper House, And the Freeholders out of every County to be chosen by y^e Freeholders of y^e said Countys respectively together with y^e Citizens and Burgesses to be Elected by y^e Cittys & Burroughs (which shall be hereafter Created) in y^e lower House.

7. And since all Power & Dominion is most naturally founded in Property and that it is reasonable that every man who is Inpowered to dispose of y^e Property & Estate of others should have a Property of his owne whereby he is tyed in Interest to the Good & welfare of that place & Government whereby he is Intrusted with such Power it is therefore Declared & apointed that no person shall be admitted or shall continue to sitt or vote in Parliament as a Landgrave who has not actually taken up and has in his possession at least acres part of y^e land granted him in his Patent and slaves or in y^e possession of his Tenants acres of Land, and whose reall & personall estate shall not be worth at least pounds, nor as a Cassique to sitt or vote in parliament who has not actually taken up, and has in his possession at least acres part of y^e land Granted him in his Patent and Slaves or in y^e possession of his Tenants acres of land and whose reall & personall Estate shall not be worth at least pounds.

8. Noe person shall be admitted or continue to sitt or vote in Parliam^t as a Representative of y^e Comons of Carolina who is not possesst of at least acres of land & whose reall & personall Estate is not worth pounds.

9. Noe person shall be capable of giving his voyce for the Election of a Member to serve in Parliament that is not actually possest of acres of land and is a Householder, & has a family and whose reall & personall Estate does not amount to pounds.

10. The present number of the Representatives of y^e Co^mons shall be who as the Countrey shall encrease, shall alsoe proportionably be Encreased if the Co^mons doe so desire, But shall in no future time be Encreased beyond one hundred.

11. And pursuant to that just maxime of Government above mentioned and for y^e preservation of y^e Ballance of Power according to y^e proportion of y^e Property it is Declared & apointed that y^e number of y^e Representatives of y^e people to be sent from any County or place shall be more or less according to y^e Charges borne & money paid by each respective Division of y^e Country in y^e last Generall, assesment foregoing such Election.

12. The Landgraves & Cassiques who compose y^e upper house shall not at any time exceed half y^e number of y^e Comons.

13. The Landgraves & Cassiques shall be created by y^e Lord Prop^{rs} Letters Patents under their great Seale by y^e Joint Election of the Proprietors or a Quoram of them which shall be the Hereditary nobility of y^e Province of Carolina, and by right of their Dignity be Members of the Upper House of Parliamt & Each Landgrave shall have acres of land to be taken up in severall Countys and each Cassique acres of land to be taken up in severall Countys. And the said honour & dignity shall descend to y^e eldest son unless by Deed or will divided to any other of y^e sons or for want of sons to y^e eldest Daughter unless as aforesaid, and for want of such to y^e next Heir unless devis^d as aforesaid by Deed or will (to be attested by three credible witnesses whereof one at least to be of y^e nobility) to any other Person.

14. And to the end that such an order of Persons, being made noble & Invested with great powers and priviledges whereby to engage them in a more particular affection towards this Settlement & Country of Carolina may not fall into contempt or be any ways Injurious to ye Constitution of the Government, it is Declared & apointed that whatsoever Landgrave or Cassique his heirs & Successors shall not be qualified as in Article (7th) and so be Excluded from the afores^d Priviledge of sitting & voting in y^e Upper House, & shall continue Defective in y^e said Qualification for y^e space of 40 years, successively Such Landgrave or Cassique his Heirs & successors shall from thenceforth be for ever utterly Excluded & his or their dignity honour, Priviledge, & Title of Land-

grave or Cassique shall Cease & be utterly lost and the Letters Patents of Creation of such Dignity shall be vacated.

15. And in order to the due Election of Members for y^e Biennial Parliam^t it shall be lawfull for y^e Freeholders of y^e Respective Precinct to meet y^e first Tuesday in September every two years in y^e same towne or place they last met in to choose Parliam^t men & there to choose those members that are to sitt next November following unless the Prop^{tors} Court shall by sufficient notice days before apoint some other place for their meeting.

16. A new Parliam^t shall be Assembled y^e first Monday of y^e month of November every Second year, & shall meet & sitt in y^e towne they last satt in without any sumons unless by the Prop^{tors} Court in Carolina they be sumoned to meet at any other place & if there shall be occasion of a Parliam^t in these Intervalls, it shall be in y^e power of y^e Prop^{tors} Court to Assemble them in days notice & at such time & place as y^e Court shall think fitt.

17. At the opening of every Parliament the first thing that shall be done shall be the reading of these Fundamentall Constitutions which y^e Palatine & y^e Prop^{tors} & Members then present shall subscribe, nor shall any person whatsoever sitt or vote in the Parliam^t till he has in that session subscribed these Fundamentall Constitutions in a Book kept for that purpose by y^e Clerk of y^e Parliam^t.

18. Any Act or Order of Parliam^t that is rattified in open Parliam^t during y^e same Session by y^e Governor, & three more of y^e Lords Prop^{tors} Deputys shall be in force, & continue till y^e Palatine himself and three more of y^e Lords Prop^{tors} themselves Signify their Dissent to any of the s^d Acts or Order under their hands & Seales, But if rattified under their hands & Seales then to continue according to y^e time limited in Such Act.

19. The whole Province shall be divided into Countys by y^e Parliam^t.

20. Noe Proprietor, Landgrave or Cassique shall hereafter take up a Seignory or Barony that shall exceed four Thousand acres or thereabout for a Prop^{tor} or Landgrave and two Thousand acres or thereabout for a Cassique in one County.

21. Noe Cause whether Civil or Criminall of any Freeman shall be tried in any Court of Judicature without a Jury of his Peers.

22. Noe Landgrave or Cassique shall be tried for any Criminall cause in any but the Chief Justices Court, And that by a Jury of his Peers unless a sufficient number of such cannot be legally had, and then to be supplied by the best & most sufficient Freeholders.

23. If upon the decease of y^e Governor no person be appointed by y^e Lords Prop^{rs} to succeed him, then y^e Prop^{rs} Deputys shall meet & choose a Governor till a new Comission be sent from the Lords Prop^{rs} under their hands & Seales.

24. Balloting shall be continued in all Elections of y^e Parliam^t and in all other Cases where it can conveniently be Used.

25. Noe man shall be permitted to be a Freeman of Carolina or to have any Estate or habitation within it that does not acknowledge a God, & that God is publicly & solemnly to be worshipped

26. As the Country comes to be sufficiently planted & Distributed into fitt Divisions, it shall belong to y^e Parliam^t to take care for y^e Building of Churches and the publique maintenance of Divines to be employed in y^e Exercise of Religion according to y^e Church of England, which being the onely true & Orthodox & the Nationall Religion of y^e Kings Dominions is so also of Carolina and therefore it alone shall be allowed to receive publique maintenance by Grant of Parliam^t.

27. Any seaven or more persons agreeing in any Religion shall constitute a Church or Profession to which they shall give some name to distinguish it from others.

28. The Termes of admittance & Comunion with any Church or profession shall be written in a Book and therein be subscribed by all y^e Members of y^e said Church or Profession which shall be kept by y^e publique Register of y^e Precinct wherein they reside.

29. The time of every ones Subscription and Admittance shall be dated in the said Booke of religious Records.

30. In the Termes of Comunion of every Church or Profession, these following shall be Three without which no Agreement or Assembly of men upon pretence of Religion shall be accounted a Church or Profession within these Rules.

1st That there is a God.

2nd That God is publicly to be worshipt.

3^d That it is lawfull & the Duty of every man being thereunto called by those that governe to bear witness to truth & that every Church or Profession shall in their termes of Comunion Sett down y^e Externall way whereby they witness a truth as in y^e Presence of God whither it be by layeing hands on or Kissing y^e Bible as in y^e Church of England or by holding up y^e hand or any sensible way.

31. Noe person above seaventeen years of age shall have any benefit or protection of y^e Law or be Capable of any Place of profit or honour who is not a Member of some Church or Profession having his name recorded in some one & but one religious Record at once.

32. Noe person of any Church or Profession shall Disturbe or molest any Religious Assembly.

33. Noe person whatsoever shall speak anything in their Religious Assembly Irreverently or seditiously of y^e Government or Governor or of State Matters.

34. Any Person subscribing y^e termes of Comunion in y^e Record of y^e said Church or Profession before y^e Precinct Register and any Five Members of y^e said Church or Profession shall be thereby made a Member of y^e said Church or Profession.

35. Any person stricking out his owne name out of any Religious Records or his name being struck out by any officer thereunto Authorized by each Church or Profession respectively shall cease to be a Member of that Church or Profession.

36. Noe man shall use any reproachfull reviling or abusive Language against y^e Religion of any Church or Profession, that being y^e certain way of disturbing y^e Peace & of hindring the conversion of any to y^e truth of Ingaging them in quarrells & animositys to y^e hatred of the Professors and that Profession which otherwise they may be brought to assent to.

37. Since Charity obliges us to wish well to y^e Soules of all Men and Religion ought to alter nothing in any mans Civil Estate or Right it shall be Lawfull for Slaves as well as others to enter themselves and be of what Church or Profession any of them shall think best & thereof be as fully Members as any Freeman, But yett no slave shall hereby be Exempted from that Civill Dominion his master has over him but be in all other things in y^e same state & Condition he was in before.

38. Assemblys upon what pretence so ever of Religion not observing & performing y^e abovesaid Rules shall not be Esteemed as Churches but unlawfull meetings, and be punished as other Riots.

39. Noe person whatsoever shall disturbe, molest or persecute another for his Speculative opinions in Religion or his way of worship.

40. Every Freeman of Carolina shall have Absolute power & authority over his Negro slaves of what Opinion or Religion soever.

41. Any person at his Admittance into any Office or place of Trust whatsoever shall subscribe these Fundamentall Constitutions in this forme

I: A. B. doe promise to bear faith and true Allegiance to our Sovereigne Lord King William and will be true and faithfull to y^e Palatine & Lords Prop^{rs} of Carolina their heirs & successors and with my utmost power will defend them and maintain y^e Govern^t according to this Establishment in these Fundamentall Constitutions.

These Fundamentall Constitutions in number Forty one & every part thereof shall be and remain y^e Inviolable Forme and Rule of Government of Carolina for ever witness our hands & Seales this eleventh day of Aprill 1698.

BATHE Palatine

A. ASHLEY

CRAVEN

BATHE for y^e LORD CARTERET

W^m THORNBURGH for S^r JOHN COLLETON

THO: AMY

W^m THORNBURGH.

[STATUTES OF THE REALM. 1 ANNAE. C. 16. A. D. 1702.]

AN ACT TO DECLARE THE ALTERATIONS IN THE OATH APPOINTED TO BE TAKEN BY THE ACT INTITULED AN ACT FOR THE FURTHER SECURITY OF HIS MAJESTIES PERSON AND THE SUCCESSION OF THE CROWN IN THE PROTESTANT LINE AND FOR EXTINGUISHING THE HOPES OF THE PRETENDED PRINCE OF WALES AND ALL OTHER PRETENDERS AND THEIR OPEN AND SECRET ABETTORS AND FOR DECLARING THE ASSOCIATION TO BE DETERMINED.

Whereas by the Demise of His late Majesty King William the Third and the Accession of Her present Majesty Queen Anne to the Imperial Crown and Dignity of these Realms the Form of an Oath contained in an Act made in the Thirteenth Year of the Reign of His said late Majesty intituled An Act for the further Security of His Majesties Person and the Succession of the Crown in the Protestant Line and for the extinguishing the Hopes of the pretended Prince of Wales and all other Pretenders and their open and Secret Abettors is now become necessary to be altered, Be it therefore declared and enacted by the Queens most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Twen-

tieth Day of April One thousand seven hundred and two, the Oath in the said recited Act mentioned be administred in such Manner and form as is herein after set down and prescribed that is to say.

I A: B: do truly and sincerely acknowledge profess testify and declare in my Conscience before God and the World That our Sovereign Lady Queen Anne is lawful and rightful Queen of this Realm and of all other Her Majesties Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare that I do believe in my Conscience that the Person pretended to be Prince of Wales during the Life of the late King James and since his Decease pretending to be and taking upon himself the Stile and Title of King of England by the Name of James the Third hath not any Right or Title whatsoever to the Crown of this Realm or any other the Dominions thereto belonging And I do renounce refuse and abjure any Allegiance or Obedience to him And I do swear that I will bear Faith and true Allegiance to Her Majesty Queen Anne and Her will defend to the utmost of my Power against all traiterous Conspiracies and Attempts whatsoever which shall be made against Her Person Crown or Dignity And I will do my best Endeavor to disclose and make known to her Majesty and Her Successors all Treasons and traiterous Conspiracies which I shall know to be against Her or any of them And I do faithfully promise to the utmost of my Power to support maintain and defend the Limitation and Succession of the Crown against him the said James and all other Persons whatsoever as the same is and stands limited by an Act intituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown to Her present Majesty and the Heirs of Her Body being Protestants And as the same by one other Act intituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the subject is and stands limited after the Decease of her Majesty and for Default of Issue of her Majesty to the Princess Sophia Electoress and Dutches Dowager of Hanover and the Heirs of Her Body being Protestants And all these things I do plainly and sincerely acknowledge and swear according to these express Words by me spoken and according to the plain and common Sence and Understanding of the same Words without any Equivocation Mental Evasion or secret Reservation whatsoever And I do make this Recognition Acknowledgement Abjuration Renunciation and promise heartily willingly and truly upon the true Faith of a Christian So help me God. And that all and every Person and Persons who are enjoined or required to administer take or subscribe the Oath in the said recited Act mentioned shall administer take and subscribe the same

according to the Form herein set down and prescribed Any thing in the said recited Act to the contrary thereof in any wise notwithstanding

And whereas by an Act made in the Seventh year of the Reign of His said late Majesty King William the Third intituled An Act for the better Security of His Majesties Royall Person and Government it is recited that for the better Preservation of his said Majesties Royal Person and Government great Numbers of His Majesties good Subjects had entered into and subscribed an Association in the Words contained in the said Act which Association is by the same Act required to be subscribed in such Manner and by such Officers and Persons and under such Forfeitures Penalties Incapacities and Disabilities for the Neglect or Refusal to subscribe the same as in the said Act is mentioned and contained And whereas since the Death of the late King James and by the Demise of His said late Majesty King William the Third the subscribing the said Association is not necessary to be any longer continued such Part thereof as relates to the support and Defence of the Succession to the Crown (therein mentioned) being more fully provided for by the said recited Oath Be it enacted and declared by the Authority aforesaid That so much of the said recited Act of the Seventh Year of His said late Majesty King William the Third as relates to the said Association therein contained or the requiring any Officers or other Persons in the said Act mentioned to subscribe the same or for the enacting any Forfeitures Penalties Incapacities or Disabilities upon any Person for the Neglect or Refusal to subscribe the same or that requires any Court or Courts to tender the said Association or to register the Subscription thereof and all and every the Clause or Clauses in the said Act or any other subsequent Act or Acts contained relating to the said Association be and are hereby declared to be void and of no Effect to all Intents and Purposes whatsoever.

Provided Always and be it enacted and declared That such Members of the House of Peers and also such Members of the House of Commons who have taken and subscribed the Oath in the said first recited Act contained according to the Form agreed upon in each House respectively shall not be obliged again to take or subscribe the Oath according to the Form declared by this Act during the Continuance of this present Parliament for or in respect of their being Members of either House respectively nor in respect of any Comission Office or Place of Trust Fee Salary or Wages which such Member did hold and enjoy at the time of the taking and subscribing the said Oath.

And be it further enacted by the Authority aforesaid That all and every Person or Persons who in Her Majesties High Court of Chancery or in Her Court commonly called the Kings Bench or the Quarter Sessions may or are or shall be obliged to take the Oaths mentioned in an Act of Parliament made in the First year of the Reign of the late King William and Queen Mary intituled An Act for abrogating of the Oaths of Supremacy and Allegiance and appointing other Oaths and to make and subscribe the Declaration mentioned in an Act of Parliament made in the Five and twentieth year of the Reign of the late King Charles the Second intituled An Act for preventing Dangers which may happen from Popish Recusants may for ever hereafter at their Elections take the said Oaths and make and subscribe the said Declaration and deliver the Certificates of receiving the Sacrament of the Lord's Supper and make Proof of the Truth thereof which shall be inquired of and put upon Record according to the said last mentioned Act in her Majesties Court of Common Pleas or in Her Court of Exchequer at Westminster in such Manner and at such Times as by the said Acts or either of them they are obliged or may take the said Oaths and make and subscribe the said Declaration and deliver and prove such Certificates to be inquired of and put upon Record in the said Court of Chancery or Court of Kings Bench and such taking the Oaths making and subscribing the said Declaration and delivering of such Certificates proving the Truth thereof inquiring of and putting upon Record in the said Court of Common Pleas and Court of Exchequer shall be as effectual to all Intents and Purposes as if the same had been taken made and delivered inquired of proved and put upon Record in the said Court of Chancery or in the said Court of Kings Bench and the Justices of the said Court of Common Pleas and Barons of the said Court of the Exchequer are hereby authorized and required respectively to administer the said Oaths and do all other things as the Courts of Chancery and Kings Bench were by the said Statutes or either of them authorized and required to do or may do by virtue thereof.

And it is hereby further enacted by the Authority aforesaid That the Names of all Persons and Officers aforesaid that do or shall take the Oaths aforesaid in the Court of Common Pleas or Court of Exchequer shall be inrolled in the Courts where the same shall be taken respectively with the Day and Time of their taking the same in Rolls made and kept only for that Intent and Purpose and for no other the which Rolls as for the Court of Common Pleas shall be publicly hung up in the Office of the Chief Prothonotary of the said Court and the roll for the Exchequer in the Office of the Queens Remembrancer of the said Court and there

remain during the whole Term every Term for every one to resort to and to look upon without Fee or Reward And likewise none of the Persons aforesaid shall give or pay any Fee or Reward to any Officer or Officers belonging to either of the said Courts of Common Pleas or Exchequer above the Sum of Twelve Pence for his or their Entry of his or their taking of the said Oaths.

And be it further enacted by the Authority aforesaid that all and every the Person and Persons who by this Act or the said former Act made this present Parliament are to take and Subscribe the Oath therein or herein appointed to be taken within Three months after he or they shall be admitted into or enter upon any Preferments Benefices Offices or Places or come into any Capacity or take upon him or them any such Practise Employment or Business in the said former Act mentioned may in the next Term or at the next Quarter Sessions of the County City or Place where he or they shall reside after he or they shall be admitted into or enter upon any such Preferment Benefice Office or Place or come into any such Capacity or take upon him or them such Practise Employment or Business as aforesaid (though it be after the Expiration of the said Three months) take and subscribe the said Oath in any of the said Four Courts of Westminster or Quarter Sessions which shall be as good and effectual to all Intents and Purposes as if taken and subscribed within the said Three Months but nevertheless every such Person that shall neglect to take and subscribe the said Oath in the next Term or next Quarter Sessions as aforesaid shall incur and be liable unto all the Penalties Forfeitures and Disabilities for refusing or neglecting to take and Subscribe the said Oath at such Time as in the said former Act is mentioned and likewise unto all the other Penalties for executing such Office or Employment if he shall execute the same after such Neglect or Refusal to take and subscribe the said (Oath) as is therein mentioned.

[S. C. STATUTES AT LARGE. VOL. 2. P. 232.]

AN ACT FOR THE MORE EFFECTUAL PRESERVATION OF THE GOVERNMENT OF THIS PROVINCE, BY REQUIRING ALL PERSONS THAT SHALL HEREAFTER BE CHOSEN MEMBERS OF THE COMMONS HOUSE OF ASSEMBLY, AND SIT IN THE SAME, TO TAKE THE OATHS AND SUBSCRIBE THE DECLARATION APPOINTED BY THIS ACT, AND TO CONFORME TO THE RELIGIOUS WORSHIP IN THIS PROVINCE ACCORDING TO THE CHURCH OF ENGLAND, AND TO RECEIVE THE SACRAMENT OF THE LORD'S SUPPER ACCORDING TO THE RITES AND USAGE OF THE SAID CHURCH

As nothing is more contrary to the profession of the Christian Religion, and particularly to the doctrine of the Church of England, than persecution for conscience only; nevertheless, whereas it hath been found by experience that the admitting of persons of different persuasions and interest in matters of religion to sitt and vote in the Commons House of Assembly, hath often caused great contentions and animosities in this Province, and hath very much obstructed the publick business; and whereas by the laws and usage of England, all members of Parliament are obliged to conforme to the Church of England, by receiving the Sacrament of the Lord's Supper according to the rites of the said church;

Be it therefore enacted by His Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the Members of the Generall Assembly now met at Charlestown for the South-west part of this Province, and by the authority of the same, That every person that after the ratification off this Act shall be choosen a Member of the Commons House of Assembly, that hath not within the space of twelve months before such his election received the Sacrament of the Lord's Supper according to the rites and usage of the Church of England as established by law, such person after his election, and before he be permitted to sitt and vote in the said House, shall receive the Sacrament of the Lord's Supper, according to the rites and usage of the Church of England, in some publick church, upon some Lord's day, commonly called Sunday, immediately after divine Service

and sermon ; and every of the said persons, in open Assembly, in a full house, duly sitting, with their Speaker in his chair, shall deliver a certificate of such his receiving of the said sacrament as aforesaid, under the hand of the respective Minister, or shall make proof of the truth thereof by two credible witnesses at least, upon oath.

II. But whereas, some persons scruple the receiving the Sacrament of the Lord's Supper, by reason they fear they are not rightly fitted and prepared to partake of that ordinance, who do nevertheless out of real choice conforme to the Church of England as established by law, and do sincerely profess the same, and do not abstain from the Sacrament of the Lord's Supper out of any dislike to the manner and forme of the administration thereof as used by the Church of England and prescribed in the Communion office in the book of Common prayer of the said Church: Be it therefore enacted by the authority aforesaid, That every person that after the ratification of this Act shall be choosen a Member of the Commons House of Assembly in this Province, in case he hath not received the Sacrament of the Lord's Supper, according to the rites and usage of the Church of England, as is before prescribed by this Act, then every such person before he vote in the said Commons House of Assembly, or sit there during any debate in the said house, after their Speaker is chosen, shall upon his oath taken on the holy Evangelists, declare that he is of the profession of the Church of England, as established by law, and that he doth conform to the same, and usually frequent the said Church for the publick worship of God, and that he doth not abstain from the Sacrament of the Lord's Supper out of any dislike to the manner and forme of the administration thereof, as used by the said Church of England, and as it is prescribed in the Communion office in the book of Common Prayer of the said Church, and that he is not, nor for one year past hath not been in communion with any Church or Congregation that doth not conforme to the said Church of England, nor received the Sacrament of the Lord's Supper in such Congregation, and that as a member of this the Commons House of Assembly, he will endeavor the good and welfare of the said Church of England, as established by law ; which said oath or declaration of conformity to the Church of England, shall be in the form herein set down and prescribed, that is to say :

I, A. B. do solemnly and sincerely, in the presence of God, profess, testify and declare, that I am of the profession of the Church of England, as established by law, and that I do conforme to the same, and usually frequent the said church for the publick worship of God ; and

that I do not abstain from the Sacrament of the Lord's Supper out of any dislike to the manner and forme of the administration thereof, as used by the said Church of England, and as it is prescribed in the Communion office in the book of Common prayer of the said church; and that I am not, nor for one year past have not been, in communion with any church or congregation that doth not conforme to the said Church of England, nor received the Sacrament of the Lord's Supper in such congregation; and that, as a Member of this House of Assembly, I will endeavor the good and welfare of the said Church of England, as established by law.-- So help me God.

Which said oath or declaration of conformity shall be solemnly and publickly made and subscribed by every member of the Commons House of Assembly (that doth not produce a certificate or other proof of his having received the Sacrament of the Lord's Supper as before prescribed by this Act) between the hours of nine in the morning and four in the afternoon, at the table in the said House, and whilst a full house is sitting with their Speaker in his chair; and every such person that shall upon oath make and subscribe such declaration of Conformity to the Church of England, is hereby declared to be sufficiently qualified to be a member of the Commons House of Assembly, as if he had received the Sacrament of the Lord's Supper according to the usage of the Church of England, as is above prescribed by this Act.

III. And be it further enacted by the authority aforesaid, That all persons that after the ratification of this Act shall be choosen members of the Generall Assembly, before they vote in the Commons House of Assembly, or sitt there during any debate in the said House of Commons after their Speaker is chosen, shall, on the Holy Evangelists take the oaths appointed to be taken, instead of the oaths of allegiance and supremacy, by one Act of Parliament, made in the first year of the reign of the late King William and Queen Mary, entituled an Act for the abregating of the Oaths of Supremacy and allegiance and appointing other Oaths; and shall make and subscribe the declaration appointed to be made and subscribed in the Act made in the thirtieth year of the reign of the late King Charles the Second, entituled an Act for the more effectual Preserving the King's person and Government, by disabling Papists from sitting in either houses of Parliament; and shall also take the oath appointed to be taken by one Act of Parliament made in the first year of the reign of her present Majesty entituled an Act to Declare the alterations in the Oath appointed to be taken by the Act intituled an Act for the further security of her Majesty's person, and the succession of the Crown in the Protest-

ant line, and for extinguishing the hopes of the Pretended Prince of Wales, and all other Pretenders, and their open and secret abettors, and for declaring the Association to be determined. Which oaths and declaration in every succeeding Assembly shall be solemnly and publickly made and subscribed, betwixt the hours of nine in the morning and four in the afternoon by every member of the said Assembly, at the table in the said house, and whilst a full house is sitting with their Speaker in his chair.

IV. And be it further enacted by the authority aforesaid, That if any person that shall hereafter be elected a member of the Commons House of Assembly, shall presume to sit and vote in the said Commons House after their Speaker is choosen, before he hath received the Sacrament of the Lord's Supper according to the rites and usage of the said Church of England, or upon oath made and subscribed such declaration of conformity to the Church of England as is prescribed by this Act, and hath also taken the oaths and made and subscribed the declaration as required by this Act, every person so offending shall forfeit, for the first time he shall so sit, the sum of fifty pounds currant money of this Province; and for every day after that he shall so sit, the sum of ten pounds; the one halfe to the Palatine and the rest of the true and absolute Lords and Proprietors of this Province, to be paid to the Publick Receiver of this Province, to and for the support of the government of this Province and the contingent charges thereof, to be disposed of by ordinance of the Generall Assembly; and the other half to him or them that shall sue for the same within six months after the offence committed, by action of debt, suit, bill, plaint or information, in any Court of record in this Province, wherin no essoign, protection, priviledge, injunction, or wager of law or stay of prosecution, by non vult ulterias prosequi, or otherwise, shall be admitted or allowed.

V. And be it further enacted by the authority aforesaid, That in case any person shall be returned a member of the Commons House of Assembly, who shall refuse to qualify himself as required by this Act, and so cannot be permitted to sitt and vote in the said house, that then and in such case it shall be lawful for those members of Assembly that are qualified to sit and vote in the said House of Assembly, to order the Sheriff of the County to lay the poll or list of the severall Candidates, and the numbers of them that voted for each of the candidates, and admitt that person or persons that hath the greatest number of votes next to them members that were returned to sitt and vote as a member or members of the said Commons House of Assembly; Provided, they do

qualify themselves as is above directed by this Act; and in case there is not a sufficient number of other Candidates that are qualified as aforesaid to fill up the vacancies, that then a new writt shall be issued out for such number as is so wanting.

Read three times and ratified in open Assembly, the sixth day of May 1704

N. JOHNSON,
THO. BROUGHTON,
JAMES MOORE,
ROBERT GIBBES,
HENRY NOBLE,
NICHOLAS TROTT.

[S. C. STATUTES AT LARGE. VOL. 2. P. 236.]

AN ACT FOR THE ESTABLISHMENT OF RELIGIOUS
WORSHIP IN THIS PROVINCE, ACCORDING TO THE
CHURCH OF ENGLAND, AND FOR THE ERECTING OF
CHURCHES FOR THE PUBLICK WORSHIP OF GOD,
AND ALSO FOR THE MAINTENANCE OF MINISTERS
AND THE BUILDING CONVENIENT HOUSES FOR
THEM.

Forasmuch as in a well grounded christian commonwealth matters concerning religion and the honor of God ought in the first place to be taken into consideration, and honest endeavors to attain to such good ends countenanced and encouraged, as being not only most acceptable to God, but the best way and means to obtain his mercy and a blessing upon a people and country;

Be it therefore enacted by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, and by the authority of the same, That the Book of Common Prayer, and administration of the Sacraments, and other rites and ceremonies of the Church, according to the use of the Church of England, the Psalter or Psalms of David, and Morning and Evening Prayer therein contained, be Solemnly read by all and every Minister or Reader in every Church

which now is or hereafter shall be settled and by law established within this Province; and that all Congregations and places for the publick worship, according to the usage of the Church of England within this Province, for the maintenance of whose ministers and of the persons officiating therein, any certain income or revenue is or shall by the laws of this Province be established and enjoined to be raised or paid, shall be deemed Settled and Established Churches.

II. And whereas it is necessary and for the better accommodation and conveniency of the inhabitants of this Province that the same be divided into parishes, and the bounds of the several parishes ascertained, Be it therefore enacted by the authority aforesaid, That Charlestown, and the Neck between Cooper and Ashley rivers, as far up the Neck as the plantation of John Bird, Gent., on Cooper river, inclusive, and the plantation of Christopher Smith, Esq. on Ashley river, inclusive, is and shall be from henceforth for ever a distinct parish of itself, and be called by the name of the Parish of St Philips in Charlestown.

III. And be it further enacted by the authority aforesaid, That the church situate in Charlestown aforesaid, and the ground thereunto adjoining, inclosed and used for a cemetery or church yard, shall be the parish church and church-yard of St Philip's, Charlestown; and the same is hereby enacted and declared to be for ever separated and dedicated to the service of God, and to be applied therein to the use and behalfe of the inhabitants from time to time inhabiting and to inhabit there, that are of the religion and profession of the Church of England, and conforme to the same; and that there shall be a rector or minister to have care of the souls of the inhabitants of the said parish, and a perpetual succession of rectors, there to be elected, nominated and appointed, according to an Act of Assembly entituled an Act to settle a Maintenance on a Minister of the Church of England, in Charlestown, ratified in open Assembly the eighth day of October, in the yeare of our Lord, one thousand six hundred ninety and eight.

IV. And be it further enacted by the authority aforesaid, That the Rector of the Parish of St Philip's, in Charlestown aforesaid, and his successors, Rectors of the said Parish, shall be incorporate, and shall have capacity and succession, by the name of the Rector of the Parish Church of St Philip's in Charlestown, and shall be hereby enabled to sue and be sued by that name, in all courts and places in this Province, and shall have the care of the souls of the inhabitants within the said Parish, and have and enjoy to him and his successors for ever one messuage or tenement for his habitation, excepting the roome reserved for the Provincial

Library, to-gether with all the out-houses belonging to the same, to-gether with all the land and the improvements there upon, and the negroes and their increase, and the cattle and their increase; the which tenement and out-houses was built, and the land, negroes, and cattle purchased or given for the use of the minister of the said St Philip's in Charlestown, and his successors, pursuant to the above recited Act of Assembly, entituled an Act to Settle a Maintenance on a Minister of the Church of England in Charlestown; and also such other revenues as is given to the Minister of Charelstown and his successors by the said Act, to-gether with all fees and perquisites arising within the said parish, that are of right due to the rector or minister thereof by the laws and customs of this Province.

V. And be it further enacted by the authority aforesaid, That Berkeley County shall be divided into six parishes, that is to say, one in Charlestown, one upon the South-east of Wandoe river, one upon that neck of land lying on the north-west of Wandoe and South-east of Cooper river, one on the western branch of Cooper river, one upon Goose Creek, and one upon Ashley river.

VI. And whereas, it is necessary that six churches be built for the publick worship of God according to the Church of England, that is to say, one upon the south-east of Wandoe river, one upon that neck of land lying on the north-west of Wandoe river and south-east of Cooper river, one upon the western branch of Cooper river, one upon Goose Creek, one upon Ashley river, and one on the South side of Stonoe river in Colleton County; the said churches to be built in such place or places on the precincts above named, as shall be agreed on by the majority of the commissioners hereafter named, by and with the advice and consent of the major part of the inhabitants who are of the profession of the Church of England;

Be it therefore enacted by the authority aforesaid, That the commissioners hereafter named shall have power to take up by grant from the Lords Proprietors, or purchase the same from them or any other person, and have, take, and receive so much land as they shall thinke necessary for the severall scites of the severall churches and the coemetarys or church-yards for the burial of christian people there, in the severall places above mentioned; and shall also direct and appoint the building of the severall churches, according to such dimentions and of such materials as they shall thinke fitting, and also the pulpit, desk and pews, in the severall churches, and also the inclosing the severall coemetarys or church-yards.

VII. And whereas, it is necessary that there be six severall messuages or tenements built, and six severall parcells of land allotted for a glebe for each of the six rectors or ministers of the said parishes or divisions; Be it therefore enacted by the authority aforesaid, That the commissioners hereafter named shall have power to take up by grant from the Lords Proprietors, or purchase, have take and receive the same from them or any other person, so much land as they shall think fitt for the severall glebes, and in such places as they shall think convenient; and upon each of the said glebes shall order and appoint the building of one messuage or tenement for a dwelling-house for the rector or minister, together with convenient out-houses, according to such dimentions and of such materials as they shall think fitting.

VIII. And in order to defray the charges of the severall tracts of land and the building the said severall churches, and inclosing the said severall coemetarys or church-yards, and the severall tracts of lands for glebes, and the building the severall messuages or tenements and convenient out-houses on the same, Be it enacted, That the commissioners hereafter named, or the major part of them, shall be enabled to have, take, and receive all such sume or sumes of money as any charitable and well disposed christians shall freely and voluntarily give to-wards the building all or any of the said churches and inclosing all or any of the said coemetarys or church-yards; and shall also have power to nominate and appoint one or more persons, inhabitants of the parishes in the severall places where the severall churches are to be built, to be supervisors for the building of the said severall churches and the inclosing the severall coemetarys or church-yards and the severall buildings that are to be upon the severall glebes; and the said severall supervisors shall make an estimate of the charges of the building of the severall churches, and inclosing the severall church-yards, and the severall dwelling-houses and out-houses that are to be built on the said severall glebes, and give the same in writing under their severall hands to the commissioners. And such sume or sumes of money as shall appear to them the said commissioners, to be in their judgements competent to accomplish the building of the said severall churches, and inclosing the said severall coemetarys or church-yards, and the severall buildings that are to be upon the severall glebes, over and above what hath been freely contributed towards them, shall be paid out of the publick treasury by an order under the hands of the commissioners hereafter named, or the major part of them.

IX. And be it further enacted by the authority aforesaid, That the severall supervisors for the building the severall churches, houses, and

other works required by this Act, shall have full power to press bricks or lime, or any other materials, and shall have power to compel bricklayers, carpenters, joyners and all other workmen and labourers to worke on the said workes, as fully and amply to all intents and purposes, and under the same penaltys upon the neglecters and offenders, and the recovering the penaltys imposed, as is given to Lieut. Colonel William Rhett, for the building the front wall and other the intrenchments and fortifications about Charlestown, by one Act of Assembly entituled an Additional Act to an Act entituled an Act to prevent the Sea's further Eneroachment upon the Wharfe at Charlestown, and for the repairing and building more batterys and flankers on the said wall to be built on the said Wharfe, and also for the fortifying the remaining parts of Charlestown, by intrenchments, flankers and pallisadoes, and appointing a Garrison to the Southward; and that as fully and amply to all intents, as if the severall clauses in the said Act or any of them contained were herein repeated at large and particularly recited and set down in the body of this Act and re-enacted herein; the penalties so recovered to be paid to the commissioners hereafter named, or whom they or the major part of them shall appoint, and to be disposed of towards the defraying the charges of the severall buildings required by this Act.

X. And be it further enacted, That the supervisors of the severall churches, houses and works required in this Act, shall have power to press any slave or slaves from any person inhabiting within his respective parish and divisions, to be employed upon the aforesaid work and building, allowing two royalls a day for every such slave to be employed as aforesaid.

XI. And be it further enacted by the authority aforesaid, That the Commissioners hereafter named, or the major part of them, shall and hereby are authorized and impowered by an order under their hands to draw out of the publick treasury such sume or sumes of money as shall by them or the major part of them be estimated a convenient salary to their clerk, and to him to be continued untill all the churches and houses and all other the buildings mentioned in this Act shall be finished, and to make him convenient allowance for pen, ink, paper and other necessary expences to be made in and about the execution of this Act.

XII. And for the encouragement of faithful and able ministers labouring in the work of the Gospell, to come and reside in this Province, Be it enacted by the authority aforesaid, That the severall rectors or ministers of the severall parishes shall be incorporate, and each of them shall have capacity and succession by the name of the Rector of that parish of

which he is minister, and shall be hereby enabled to sue and be sued by that name in all courts or places in this Province, and shall have the care of the souls of the inhabitants within the parish committed to his charge, and shall have and enjoy to him and his successors for ever the glebe lands obtained and appointed pursuant to this Act, and the messuage or tenement for his habitation, together with all the out-houses and buildings intended to be erected on part of the said glebe land; and all such negroes as shall be given and allotted to the severall parishes by the Society founded by royal charter in the Kingdom of England, by the name of the Society for the Propagation of the Gospell in Foreign Parts, or by any other charitably disposed persons; and also shall have and receive from the Publick Receiver for the time being, who is hereby required to pay the same, the sume of fifty pounds per annum, currant money of this Province, to be paid him halfe yearly.

XIII. And if it shall happen that for any urgent and necessitous reasons all the money in the publick treasury should be disposed of for other uses, so as that there should not be left sufficient in the receiver's hands to pay the said severall fifty pounds at the times before appointed, then the commissioners hereafter named, or the major part of them, shall order the Receiver to pay the same as soon and as often as any publick moneys shall come into his hands; but if the commissioners, or the major part of them, shall have reason to believe that money will not come into the Receiver's hands in such time as they shall think the same ought to be paid in, Be it enacted, that in such case the commissioners hereafter named, or the major part of them, shall have power and they are hereby impowered to assess and levy the said sume of fifty pounds for each and every the rector or minister in every parish or division, in such manner and forme as the commissioners appointed in an Act to Settle a Maintenance on a minister of the Church of England in Charlestown, ratified in open Assembly the eighth day of October, one thousand six hundred ninety-eight, are impowered to do in case they have reason to believe that moneys will not come into the Receiver's hands in such time as the same ought to be paid in.

XIV. And be it further enacted by the authority aforesaid, That the severall rectors or ministers of the severall parishes shall be choosen by the major part of the inhabitants of the said parish, that are of the religion of the Church of England and conform to the same, and are either free-holders within the same parish, or that contribute to the publick taxes and charges thereof, or such of them as shall think fit to attend and repair to the respective parish churches, upon a meeting appointed

by the commissioners hereafter named or the major part thereof, of which publick notice shall be given at least ten days before the time of such meeting, appointed as aforesaid.

XV. And whereas, it may often happen that a rector or minister may be chosen pursuant to this Act, and also to one other Act of Assembly, entituled an Act to settle a maintenance on a minister of the Church of England in Charlestown, of whose qualifications or dispositions the inhabitants may have but small acquaintance, or may be otherwise mistaken in the person, who may act contrary to what was expected of him at his election, so that it is highly necessary to have a power lodged in some persons for the removing all or any of the several rectors or ministers of the several parishes, or to translate them from one parish to another, as to them shall seem convenient; otherwise, in case any immoral or imprudent clergyman should happen to be appointed rector or minister of any parish, the people would be without any remedy against him; or in case there should arise such incurable prejudices, dissensions, animosities and implacable offences between such rector or minister and his people that all reverence for, and benefit by his ministry is utterly to be despaired of, (although he is not guilty of more grosser and scandalous crimes) yet it may be very convenient to have him removed from being rector or minister of that parish to which he did belong, and where such dissensions and offences are arisen, otherwise great evils and inconveniences may ensue upon the same; for the prevention of which evils and inconveniences, Be it enacted by the authority aforesaid, That the Commissioners hereafter named, or the major part of them, shall have power, when they think it convenient (upon the request and at the desire of any nine of the parishioners that do conforme to, and are of the religion of the Church of England, and are persons of credit and reputation together with the request of the major part of the Vestry of the parish, signified under their hand and requesting the removal of the rector or minister of such parish) to site such minister before them, and to hear the complaints against such rector or minister, allowing him reasonable time to make his defence, and upon a hearing of the same, if the said commissioners, or the major part of them, shall think it convenient to remove such rector or minister, they are hereby authorized and impowered to do the same, whether it be the rector or minister of Charlestown, or any other parish, and that is already elected and appointed, or that shall be elected and appointed rector or minister of any parish or parishes within this Province; and in case the said Commissioners, or the major part of them, shall by writing under their several hands and seals,

delivered to such rector or minister, or left at his usual place of abode, or house appointed or to be appointed for such rector or minister for his habitation, or by fixing the same on the church doors, signify that such rector or minister shall cease to be rector or minister of that parish, and that he be removed from the same; then and in such case, such person shall cease to be rector or minister of the said parish, and shall cease to have any use, possession, or benefit or advantage of the church, or of any lands, messuages or tenements, or any negroes, or any revenues, fees, profits, perquisites, privileges, benefits or advantages whatsoever, belonging to the rector or minister of that parish, as fully and amply to all intents and purposes as if he had never been chosen rector or minister thereof; and upon such removal of any rector or minister of any parish, the parishioners may proceed to a new choice, according as it is directed by this Act, in case of the death of a minister.

XVI. And be it further enacted by the authority aforesaid, That the Right Honorable Sir Nathaniel Johnson, Knight, the Honorable Thomas Broughton, Esq, Col. James Moore, Nicholas Trott, Esq, Colonel Robert Gibbes, Job Howes, Esq, Ralph Izard, Esq, Colonel James Risbee, Colonel George Logan, Lieutenant Colonel William Rhett, William Smith, Esq. Mr John Stroud, Mr Thomas Hubbard, Richard Beresford, Esq, Mr Robert Seabrook, Mr Hugh Hicks, John Ashby, Esq, Captain John Godfrey, James Serurier als. Smith, Esq, and Mr Thomas Barton, or the major part of them, who shall meet upon publick summons, as is directed by this Act, Provided, the persons that meet are not less than eleven, be and are hereby nominated and appointed to be the Commissioners mentioned in this Act, and to exercise all the authorities and powers given them as commissioners by this Act in the several parts thereof; and in case of the death or absence of any of the said Commissioners, the remaining commissioners or so many of them as will meet (provided they exceed the number of ten) being summoned at least six days before, may meet at some convenient place appointed for that purpose, and that such commissioners as shall so meet upon such summons, or the major part of them, shall and may choose a person or persons of the profession of the Church of England, to be Commissioner or Commissioners in the room or place of such person or persons dead or gone off, as to them shall seem meet, which persons so chosen shall and are hereby declared to be commissioners for this Act, as fully and amply as if they had by name been mentioned in this Act.

XVII. And be it further enacted by the authority aforesaid, That the Commissioners for this Act shall meet to transact the business of this Act

twice in the year, that is to say, on the second Tuesday in January, and on the second Tuesday in July, at the Church in Charlestown, without any notice or warning to be given thereof, and oftener, if occasion shall require it, upon publick notice thereof, or summons signed by the Governour, six days before such meeting appointing a convenient time and place, or in case the Governour shall refuse to issue out such summons upon the application of any three of the Commissioners to him for the same, that then it may be lawfull for the said three Commissioners, or any other three of the Commissioners of this Act, to issue out their summons, appointing the time and place of the meeting of the Commissioners, and so many of them as shall meet by virtue of such summons, provided there are not less than eleven, and the majority of them eleven consenting, may put in force and execution any of the powers granted to the Commissioners by this Act.

XVIII. And to prevent all illegal and unlawful marriages, not allowed by the Church of England, but forbidden by the table of marriage, Be it enacted by the authority aforesaid, That no minister shall presume to join to-gether in marriage any persons whotsoever, contrary to the table of marriages by this Act appointed to be set up in every parish church within this Province, under the penalty of one hundred pounds; nor shall any persons forbidden to intermarry by such table of marriage, presume to be joined in marriage, under the penalty of fifty pounds, or twelve months' imprisonment.

XIX. And be it likewise enacted by the authority aforesaid, That no Justice or Magistrate being a lay-man, shall presume to joyn any persons in marriage, under the penalty of the above mentioned penalties, to be recovered and disposed of as hereafter in this Act is directed.

XX. And the better to promote the execution of the good laws of this Province, so far as concerns the respective parishes, and for the more easy dispatch of parish business, Be it further enacted by the authority aforesaid, That there be vestries in each parish of this Province, and in every parish where any rector, minister or incumbent is or shall be lawfully, according to the laws and usages of this Province, appointed and in possession of any living and residing therein, he shall, during the continuance aforesaid, and no longer, be one of the vestry of each parish.

XXI. And be it further enacted by the authority aforesaid, That there shall be nine more vestrymen in each parish, who shall be inhabitants in each respective parish for which they are chosen, and shall conforme to and be of the religion of the Church of England, and shall be chosen by the inhabitants of each parish as hereafter in this Act is directed.

XXII. And be it further enacted by the authority aforesaid, That on Easter Monday, which shall be in the year of our Lord one thousand seven hundred and six, the inhabitants of each parish that are of the religion of the Church of England, and that do conforme to the same, and that are either free-holders within the same parish, or that contribute to the publick taxes and charges thereof, or so many of them as shall think fit to attend, shall meet at their parish church, or for want of a parish church, at such place as the Commissioners above named in this Act, or the major part of them that shall meet upon publick summons, shall appoint and, shall there elect nine sober and discreet persons, inhabitants of the parish, that are of the religion of the Church of England, and do conforme to the same, and that are either free holders within the same parish, or that do contribute to the publick taxes and charges thereof, to be vestry men for the said parish, which said nine so choosen, shall continue to be vestry men for the parish for the space of one year; and so on the said Easter Monday, yearly, the inhabitants of each parish, qualified as aforesaid, shall choose nine persons, qualified also as aforesaid, to be vestry men for that parish for which they are elected; and in case of the death or resignation or other legal discharge of any of the nine of the vestry men of any of the parishes choosen as aforesaid, the remaining part of such vestrys, shall with all convenient speed summons and appoint a general meeting of all the inhabitants of the said parish, who are of the religion of the Church of England and conforme to the same, and that are either freeholders within the same parish, and that do contribute to the publick taxes and charges thereof, who shall by majority of voices choose one or more sober and discreet person or persons that are also inhabitants of the said parish, and of the religion of the Church of England and conforme to the same and that are either freeholders within the said parish and that do contribute to the publick taxes and charges thereof, to supply such vacancies.

XXIII. And be it further enacted by the authority aforesaid, That all such persons that shall be so elected and choosen shall take the usual oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy, and likewise subscribe the test, and shall also take the following oath, viz: I, A. B. do solemnly swear and declare, that I will justly and truly execute the trust or office of a vestry-man of this parish, according to my best skill, knowledge and power, without prejudice, favour or affection; which said oaths at the election of any vestry-men as aforesaid, are to be administered by any Justice of the Peace of the county where such vestry is, who is hereby required and impowered to

administer the same, and every person being so elected and choosen a vestry-man as before by this Act directed, having taken the oaths and subscribed the test as required by this Act, and not before, shall be deemed and taken as one of the vestry to all intents and purposes.

XXIV. And for keeping a fair register of all such vestry's proceedings and for registering of all births, christenings, marriages and burials, in each respective parish, Be it enacted by the authority aforesaid, That each vestry shall and is hereby obliged to provide a fit person for a Register, who shall at all times keep a true and fair registry of the several proceedings of such vestry from time to time, in executing their trust and authority, and make just and true entries thereof; which persons so to be appointed for keeping such registry, shall take the oaths appointed by Act of Parliament, instead of the oaths of Allegiance and Supremacy, and subscribe the test, and also an oath for the due and faithful execution of his office; which said oaths shall be taken before the said vestry, who are hereby impowered and required to administer the same accordingly, and having so done, and not before, the said Register then shall be admitted in the said office, and shall make true entry of all vestry proceedings, and of all births, christenings, marriages and burials, (negroes, mollatoes and Indian slaves excepted) that is to say, the christian and sirname with the day and month and year of every such births, christenings, marriages and burials; to which purpose all and every the inhabitants of each parish that are either parents, guardians, overseers, masters, mistresses, or executors or administrators of any persons born, christened, married or buried within this Province, except such before excepted, are hereby enjoined and required to give notice to the Register of such parish within two months after such birth, christening, marriage and burial, and pay him one royal for entering it at the time of giving notice aforesaid, under the penalty of five shillings, to be forfeited by such inhabitant aforesaid, refusing or neglecting as aforesaid, and under the penalty of five shillings to be forfeited by such Register refusing or neglecting to enter it, having received his fee for the same; and such Register is hereby obliged to shew any person or persons reasonably desiring it, any such register, or give a certificate of any register of any births, christenings, marriages or burials that shall be reasonably required of him, and shall have for his fees from such persons, one royall for any search, and two royalls for any copy or certificate given as aforesaid, and no more, hereby ratifying and confirming as valid all registries or entries of any births, christenings, marriages or burials, heretofore made in this Province by any person lawfully authorized, commissioned or impow-

ered to do the same by any law or custom in this Province, before the making of this Act.

XXV. And that the Register of each Parish may be enabled to perform the charge hereby required of him, Be it enacted by the authority aforesaid, that the church wardens of each parish, within twelve months after the ratification of this Act, shall at the parish charge, provide good and substantial writing-books, well bound, sufficient for registering such proceedings in, according to the directions of this Act, under the penalty of five pounds for each church warden's neglecting the same.

XXVI. And be it further enacted by the authority aforesaid, That the respective vestries of each parish, with all convenient speed, and within twelve months at the most, shall procure a fair table of marriages, transcribed and set up in their respective churches, and the same keep continually in the said church, that persons being thereby informed what marriages are forbidden, may avoid the contracting of any such unlawful marriages.

XXVII. And be it further enacted by the authority aforesaid, That on Easter Monday, in the year one thousand seven hundred and six, the inhabitants of each parish that are qualified by this Act to choose vestrymen, shall meet at their parish church, or for want of a parish church, at such place as the commissioners above named in this Act, or the major part of them that shall meet upon publick summons, shall appoint, and shall there make choice of and appoint two sober and discreet persons, inhabitants of the parish, that are of the religion of the Church of England, and do conforme to the same, and that are either free-holders within the same parish, or that do contribute to the publick taxes and charges thereof, to be church wardens for that year, which church wardens so choosen shall take the usual oaths appointed by Act of Parliament, instead of the oaths of Allegiance and Supremacy, and likewise subscribe the test, and likewise declare on his oath, to be administered unto him by the vestry to whom power is hereby given to administer the same accordingly, well and faithfully to execute the office for the ensuing year, according to the laws and usages of the said Province, to the best of his skill and power, and until he shall be thereof duly discharged; and any such person or persons so choosen church warden or wardens, and that shall wilfully refuse to serve in the said office, and take the oaths aforesaid shall forfeit the sum of ten pounds to be recovered as hereafter by this Act is directed.

XXVIII. And be it further enacted by the authority aforesaid, That the clerk of each parish church, and the sexton, shall be choosen by

the major part of the vestry of each parish, which said clerk and sexton shall continue in their said offices during their lives, if they shall so long inhabit in the parish, excepting the vestry for the time being shall think fitting to remove either of them, which they are hereby impowered to do, and upon such removal, the said vestry, or the major part of them, may appoint another in the room of the person so removed.

XXIX. And be it further enacted by the authority aforesaid, That the church wardens of each parish for the time being shall and are hereby required from time to time, to pay yearly at the charge of the parish, any sum not exceeding ten pounds, currant moneys of this Province, to the clerk of each parish to be appointed as aforesaid, and any sum not exceeding five pounds, like currant moneys to the sexton of each parish.

XXX. And that there may be no neglect in the several vestrys, or those employed under them, in the lawful and conscionable performance of their several charges, and also for the preventing of delays and other inconveniences, which might happen, if there were a necessity for the expecting the attendance and presence of all the said vestry-men, and at the same time to prevent the doing anything of consequence by surprize, by a small number of them, Be it hereby enacted by the authority aforesaid, That the first Tuesday in January, in April, in July and in October, shall be and is hereby fixed and ascertained for the holding of a vestry at eleven of the clock in the fore-noon, in the usual place for that purpose, without any notice or warning to be given thereof, at which time and place the major part of the vestry-men then present (so as such majority be not under the number of five persons) shall be esteemed as a vestry, and shall have full power to order, direct and act in all things by this Act appointed to be done according to this Act, as a vestry; and the said several vestrys are not only obliged to meet once in every the said months as before by this Act is directed, but also as often as need shall require, upon publick notice given either by the rector or the minister of each parish, or by any three of the vestry-men of the parish, to consult of the methods and ways of performing the several authorities reposed in them, and from which vestry so appointed, no vestry-man, being personally summoned, shall without a reasonable and lawful excuse, absent himselfe, under the penalty of such fine or mulct, as the residue of the said vestry meeting shall lay upon him, so as the same never exceed ten shillings; and that in case any vestry-man shall remove or withdraw himselfe from the parish, or voluntarily frequently neglect to give his attendance and absent himselfe from the vestry, or otherwise become unfit or incapable to continue to execute such office or trust, that in any such

case the residue of the said vestry, or the majority of them, (so as such majority be not under five persons) shall and may have power (after personal notice given to such party, if it conveniently may be, or the affixing of a publick notice upon the great door of the church, for three severall Sundays successively, if personal notice cannot be given without great difficulty, charge, or delay, of their intentions to proceed in such manner) to remove such person from being a vestry-man, and to declare his office void, and to summon a meeting of the parishioners, qualified as is above directed, for the electing of another in the place of such person, who shall (after allowing a reasonable time to such person to make his complaint, if he apprehends himself injured, not exceeding a fortnight) proceed to a new election accordingly.

XXXI. And be it further enacted by the authority aforesaid, That the church wardens and vestry of each parish be authorized and required to take constant care to satisfy and pay the parochial charges, and all necessary repairs and amendments of their respective churches, chappels or church-yards, and cause the same at all times to be repaired and amended, as need shall require, out of such gifts, goods or chattels as shall come to their hands for the church or parish's use, and also out of such fines, forfeitures and mulcts by this law incurred and afterwards by the same given to the church wardens, to be applied to the said uses. And in case they shall not have sufficient effects to pay parochial charges, as aforesaid, or to make such necessary repairs as are required, then, and not otherwise it shall be lawful for the respective vestry of each parish to order three sober and discreet persons to assess such sume as shall be necessary to repay the parish charges aforesaid, (provided the same exceed not one hundred pounds,) by an equall assessment of the estate, real and personal, of all and every the inhabitants, owners and occupiers of lands, tenements and hereditaments, or any personal estate, within the severall parishes; which assessment being returned to the said vestry upon oath, who are hereby impowered to administer an oath accordingly, and being by them approved in open vestry, it shall then be lawfull for any Justice of the Peace of the County, by a warrant under his hand and seal directed to any of the constables of the severall parishes, to levy the sume assessed upon each person, by distress and sale of such person's goods, as shall refuse the same, returning the overplus after reasonable charges deducted, and for want of such sufficient distress, to commit the person to prison till payment be made.

XXXII. And that there may not be any oppression or misapplication of the publick revenue of such vestries, or just cause of complaint

against them in any of their proceedings, without redress, Be it enacted by the authority aforesaid, that all and every parishioner and parishioners whatsoever, who contribute to the publick taxes and charges of the said parish, shall and may require the Register herein before mentioned, at any reasonable and convenient time or times, to give them an inspection of the vestry books and accounts, and all and every their orders and proceedings, and shall and may take copys thereof, (paying a reasonable fee for the same, according to the length thereof, and the trouble of attendances); and that all and every person and persons whatsoever, who shall finde or apprehend him, her or themselves grieved or injured, or that the body of the said parish is injured or oppressed by any acts, orders, rules, accounts, or other proceedings of any such vestry, the parties so injured, or any others in their behalfe, or in the right of the whole body, may from time to time appeal for redress against all and every such orders, accounts and other proceedings to the commissioners above named, which commissioners, or the major part of them, that shall meet as aforesaid upon publick summons, are hereby required and impowered to examine, hear and determine all and every such appeals and complaints for redress, and to give redress as they in their judgments shall thinke agreeable to justice and equity; and such their order, judgment and decree shall be final, and bind all parties.

XXXIII. And be it further enacted by the authority aforesaid, That all the fines and forfeitures mentioned in this Act, and not particularly disposed of and the manner of the recovery directed, if the sune do not exceed the sune of forty shillings, it shall be recovered, prosecuted, adjudged, levyed and distrained by any one Justice of the Peace in this Province, as in the Act for the Tryal of Small and Mean Causes is directed, and the same being so recovered shall be paid to the church wardens of that parish, where the person inhabits against whom the forfeiture is recovered, to be disposed of towards the defraying the publick charges of the said parish. And all the fines and forfeitures mentioned in this Act, exceeding the sune of forty shillings, and not particularly disposed of, and the manner of the recovery of the same not directed by this Act, all such fines and forfeitures shall be paid into the hands of the church wardens of the parish where the person inhabits against whom the forfeiture is recorded, to be disposed of towards the defraying the publick charges of the said parish, and the other halfe to him or them that will sue for the same, by action of debt, suit, bill, plaint or information, in any court of record in this Province, wherein no essoign,

protection, privilege, injunction or wager of law, or stay of prosecution, by non vult ulterias prosequi, or otherwise shall be admitted or allowed.

XXXIV. And be it further enacted by the authority aforesaid, That if any action, plaint, suit or information shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this Act, such person or persons so sued may plead the general issue of not guilty, and upon any issue joyned, give this Act and the special matter in evidence; and if the plaintiffs or prosecutor shall become nonsuit or suffer discontinuance, or if a verdict pass against him, the defendants shall recover their treble costs, for which they shall have the like remedy as in any case where costs by law are given to the defendants.

XXXV. Whereas the Hon. Sir Nathaniel Johnson, Knight, hath upon all occasions shewn his great zeal and affection to the Church of England as it is established by law, as a mark of our gratitude and respects to him, Be it further enacted by the authority foresaid, That notwithstanding the powers in this Act given to the commissioners, or the major part of them, to turn out any minister as aforesaid expressed, that in case the said commissioners or the major part of them that shall meet upon publick summons as above directed, shall in pursuance of such power turn out or remove such minister, that in case the said Sir Nathaniel Johnson shall at any time within six days after notice of such order of the said commissioners, or the major part of them, signify his dissent by a writeing or instrument under his hand and seal, that then such order of the commissioners for that time to be of no force or effect; and that this power and trust reposed in the said Sir Nathaniel Johnson, shall continue during his being Governour of this Province, and no longer.

Read three times and ratified in open Assembly the fourth day of November, 1704.

N. JOHNSON,
THO. BROUGHTON,
JAMES MOORE,
NICHOLAS TROTT,
ROBERT GIBBES,
HENRY NOBLE.

[S. C. STATUTES AT LARGE. NOV. 10, A. D. 1711. VOL. 2. P. 366.]

AN ACT FOR THE RAISING THE SUM OF FOUR THOUSAND POUNDS CURRENT MONEY, BY LAYING SUNDRY ADDITIONAL DUTIES ON LIQUORS, AND OTHER GOODS AND MERCHANDIZES, FOR THE CARRYING ON AN EXPEDITION AGAINST THE NORTHERN INDIANS, ENEMIES TO THE CROWN OF GREAT BRITAIN, AND FOR THE AIDING AND ASSISTING THE INHABITANTS OF NORTH CAROLINA, WHO ARE NOW ACTUALLY INVADED BY THE SAID INDIANS.

(Ratified November 10, 1711. The original Act not now to be found, nor the original number ascertained. It is No. 313 of Trott, and 311 of Grimke. In part repealed by Act of June 30, 1716. Now obsolete.)

[NORTH CAROLINA LAWS. DAVIS'S REVISAL. A. D. 1715.]

AN ACT FOR RAISING CORN TO SATISFY THE DEBT DUE FROM THIS GOVERNMENT TO THE HONOURABLE CHARLES CRAVEN ESQ., GOVERNOR OF SOUTH CAROLINA; AND FOR THE SUBSISTANCE OF SUCH FORCES AS SHALL BE RAISED FOR THE NECESSARY DEFENCE OF THE FRONTIERS OF THIS GOVERNMENT.

[The text of this act, like that of the South Carolina act preceding, has failed to come down to us. The purpose of it, however, to discharge the obligation created by the former act, is plainly discoverable from its title.—ED.]

[LAWS OF NORTH CAROLINA. MSS. REVISAL. A. D. 1715.]

AN ACT FOR LIBERTY OF CONSCIENCE AND THAT
THE SOLEMN AFFIRMATION OF THE PEOPLE
CALLED QUAKERS SHALL BE ACCEPTED
INSTEAD OF AN OATH IN THE
USUAL FORM.

De it enacted by His Excellency the Pallatine and the rest of the True and absolute Lords Prop^r of Carolina, by and with the advice and consent of this present General Assembly, now met at Little River for the North East part of the said Province.

And it is hereby Enacted that all Protestant Dissenters within this Government shall have their meetings for the exercise of their Religion without molestation, Provided that the same be Publick and subject to such rules, regulations and restrictions as by the several Acts of Parliament of the Kingdom of Great Britain relating to Protestant Dissenters are made and Provided.

And whereas divers Dissenters commonly called Quakers refusing to take an Oath in Courts of Justice and other places are lyable to be imprisoned and their Estates sequestered by Process of Contempts Issuing out of such Courts to the Ruin of themselves and families.

Be it therefore Enacted by the Authority aforesaid that from and after the Ratification of this Act every Quaker within this province who shall be required upon any lawful occasion to take an Oath in any case where by Law an Oath is required, shall instead of the usual form, be permitted to make his or her solemn affirmation or declaration in the words following, Viz.

I, A. B. do declare in the presence of God, the witness of the truth of what I say. Which said solemn affirmation or Declaration shall be adjudged and taken to be of the same force and effect to all intents and purposes in all Courts of Justice or other places where by Law, an Oath is required within this province as if such Quaker had taken an Oath in the usual form.

And Be it further Enacted by the Authority aforesaid that if any Quaker making such solemn affirmation or Declaration shall be lawfully convicted of wilfully, falsely, and corruptly to have affirmed or declared any matter or thing which if the same had been in the usual form would have amounted to wilful and corrupt perjury, every such Quaker so

offending shall incurr the same penaltyes and forfeitures as by the laws and Statutes of the Kingdom of Great Britain are enacted against persons convicted of wilfull and corrupt Perjury.

Provided and Be it Enacted that no Quaker or reputed Quaker shall by virtue of this Act be qualified or permitted to give evidence in any criminal causes, or to serve on any Jury, or bear any Office or place of profit or Trust in the Government—anything in this Act contained to the contrary, in any wise, Notwithstanding.

EDWARD MOSELEY,
Speaker.

CHARLES EDEN
N. CHEVIN
C. GALE
FRAN. FOSTER
T. KNIGHT.

[LAWS OF NORTH CAROLINA. MSS. REVISAL. A. D. 1715.]

AN ACT FOR QUALIFICATION OF PUBLIC OFFICERS.

Whereas many Inconveniencies may arise for want of Security being given by persons holding Offices in this Government for the faithful discharge of their Offices:

Be it Enacted by His Excellency the Pallatine and the Rest of the True and Absolute Lords Proprietors of Carolina by and with the advice and consent of this present General Assembly now met at Little River for the North East part of said province and the authority of the same:

It is Hereby Enacted that no person or persons other than such as are commissioned by the True and Absolute Lords Proprietors of Carolina shall execute all or any the offices of Profit or Trust within this Government till he has given Bond with sufficient security within this Government for the faithful discharge of his Office which shall be taken payable to the Lords Proprietors, their Heires, Successors or Assignes, and shall be entered upon record in the Council book, and the original lodged in the Secretary's Office for the time being.

And Be it Further Enacted by the authority aforesaid, that whosoever shall after the Ratification of this Act execute any office or place of Profit or Trust within this Government contrary to the true Intent and meaning of this Act or without having first taken and subscribed the several Oaths which by the Laws and Statutes of the Kingdom of Great

Britain are and ought to be taken by all persons qualifying themselves for Posts of Profit and Trust within the said Kingdome shall forfeit and pay Twenty pounds current money of this Province for each month he shall so execute the same, to be recovered by bill, Plaint, or Information, in any Court of Record within this Government, one halfe to the Informer and the other halfe to the Vestry for the use of the Precinct or Parish where such default shall happen to be wherein no Essoign, Protection, Injunction or Wager of Law, shall be allowed or admitted of.

Provided alwayes that this Act shall not be construed, adjudged and taken to debar and hinder any Officer or Officers lawfully possessed of his Office and otherwise qualified so to do from constituting one or more Deputies as the nature of the Office may require; Anything herein before to the contrary notwithstanding.

EDWARD MOSELEY,
Speaker.

CHA. EDEN
N. CHEVIN
C. GALE
FRAN. FOSTER
T. KNIGHT

[LAWS OF NORTH CAROLINA. MSS. REVISAL. A. D. 1715.]

AN ACT CONCERNING ATTORNEYS FROM FOREIGN PARTS AND FOR GIVING PRIORITY TO COUNTRY DEBTS.

Forasmuch as the relieving and remedying such persons as shall be impleaded in vexatious actions, by vertue of foreign Procurements, and the preferring of paying Country Debts, before others, must necessarily, be of great use and benefit to the inhabitants here,

Be it therefore Enacted, by his Excellency the Palatine, & the Rest of the True & Absolute Lords Prop^s of Carolina by & with the advice & consent of this present General Assembly now met at Little River for the N^o East part of the said Province &c

And it is hereby enacted, That no Attorney shall, by vertue of any power, out of his Majesty's Dominions of Great Britain, or from any other Place, be allowed or admitted, to implead, or prosecute, any action or actions, for debts contracted in foreign parts against any of the Inhabitants of this Country, until such Attorney has first entered into bond, in

the Penal sum of twenty pounds, with good and sufficient securitys, payable to the chief Judge, or President of the Court, in which such suite or suites shall be commenced, and to his Heirs, Successors or Assigns, for the payment of all such costs, and damages, as the Court shall award; which said bond and security, the Clerk of that Court whereout the first Process issueth is hereby strictly required and commanded, before the issuing of such Process, to demand and take; and the same to produce, in Court, at the Tryal; Otherwise, and in case of his default, or neglect of taking the aforesaid Bond and security & Judgment be given for the defendant, then the said Court, without any leading Process, shall order judgement to be immediately entered, against the said Clerk, and execution taken thereupon, for all such Costs and damages, as the Court shall adjudge for the defendant.

And be it further enacted, by the authority aforesaid, That, if any foreign debts of what kind soever, shall be sued for, as aforesaid, or otherwise, in any Court of Record, in this Government, and judgment obtained thereupon, yet, neither the Plt: in such ac^{on} nor his Attorney, nor any other person for him, shall have execution, granted out, on such judgment, until all actions, and suits, then depending in any of the Courts, against the said Defendant and Defendants, at the suit of any of the inhabitants of this Colony, shall be determined, paid and satisfied, or otherwise discharged, with such reasonable time or times as the Court, who shall have the last determination thereof, shall think fitt to order, and also till all other debts that shall, within six months after the said judgment granted, be legally made appear to be actually due, from the said defendant or Defendants, to any of the Inhabitants of this Colony at the time of such forreigner's commencing his suit, and shall be likewise discharged, payd and satisfied, according to the clause above said and in case of any longer neglect and delay, than the time to be prescribed by the Court as aforesaid; or the said six months, in any of the aforesaid Premises, to be made, by the said Inhabitants, Plt. or Plts. Creditor or Creditors, Then, it shall & may be lawfull for the said foreigner, his Agent or Attorney, to take out execution, on the said judgment, and the same to be executed, accordingly; any clause, matter or thing in this, or any other Act or Acts, contained, to the contrary thereof, notwithstanding.

EDWARD MOSELEY,
Speaker.

CHA. EDEN
N. CHEVIN
C. GALE
FRAN. FOSTER
T. KNIGHT

[LAWS OF NORTH CAROLINA. MSS. RECORDS. A. D. 1715.]

PUBLICK LETTERS—HOW TO BE CONVEYED.

Whereas the remoteness of divers places in this Government and the Necessity of Communicating divers Businesses to the utmost Limits of it would if Messengers were Press^d be an Annual Great Expense for prevention and for the more Speedy Conveyance of all Such Letters.

Be It Enacted by his Excellency the Palatine and the rest of the true and Absolute Lords Proprietors of Carolina by and with the Advice and Consent of this present General Assembly now met at Little River for the North East part of the said Province and the Authority thereof.

And It Is Hereby Enacted that all Letters superscribed for his Majesties Service directed to or Subsigned by the Governor or other publick Officer or by Some Field Officer in the Militia at such time when the Government is Actually Engaged in Warr against the Indyan Enemie shall be Immediately Conveyed from Plantation to plantation to the place and persons to whom they are directed under the Penalty of Five pounds for each default one halfe to the Government and the other halfe to him or them which shall Sue for the Same to be recovered in any Court of Record within this Government wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or Admitted of.

And Be It Further Enacted that if any person shall be put to extraordinary charge the Court of each Precinct is hereby Authorized to Judge thereof and make Certificate of ye same to the General Assembly.

And Be It Further Enacted by the Authority aforesaid that where any person in the family the said Letter comes to can write such person is hereby required to Endorse the day and houre of the Receipt of it that the Neglect or Contempt of any person therein may be the better discovered and Punishment Inflicted Accordingly.

And Be It Further Enacted that all and every his Majesty's Subjects within this Government are hereby required to put this Act in Execution upon Paine of the Penalty aforesaid.

EDWARD MOSELEY,
Speaker.

CHAS. EDEN
N. CHEVIN
C. GALE
FRAN. FOSTER
T. KNIGHT.

[LAWS OF NORTH CAROLINA. MSS. REVISAL. A. D. 1715.]

AN ACT TO ASCERTAIN WHAT PERSONS ARE TYTHABLES AND TO DIRECT THE METHOD TO BE OBSERVED IN TAKING THE LISTS OF THEM.

Whereas many Doubts have and do arise at what age persons in this country shall be reputed Tythables. For the removing thereof for the time to come

Be it enacted by His Excellency the Pallatine and the rest of the True and absolute Lords Proprietors of Carolina by and with the Advice and Consent of this present General Assembly now met at Little River for the North East part of said Province.

And It Is Hereby Enacted that all males not being slaves in this Government shall be Tythable at the age of sixteen years and all slaves male or Female either Imported or born in the Country shall be Tythable at the age of Twelve years.

And Be It Further Enacted by the Authority aforesaid that each and every Constable within this Government shall and they are hereby Impowered Required and Commanded some time within five Days next following after the Tenth day of June yearly to go from house to house to take an exact List from all the persons inhabiting and residing within his their and every of their Districts Constabulary or Liberty of the number names and quality of the Tythables residing within the same which before the Fifth day of August yearly then next following to-gether with a List of such Tythables as they shall believe to be concealed make return upon Oath to the Treasurer of the Precinct (which Oath the said Treasurer is hereby Impowered to administer) under the penalty of Five pounds for every neglect which said sum shall be to the use of the parish and shall be levied by Warrant from any Justice of the Peace upon Certificate thereof to him made by the Respective precinct Treasurer of any Constable having made Default therein.

And Be It Further Enacted that every Constable for his service therein shall during the continuance of this Act be exempt from the payment of Levys for his own person and they are hereby Exempted.

And Be It Further Enacted that whatever House holder shall conceal or refuse to deliver to the said Constable a true List of every Tythable person dwelling or residing in his house whose Levys he shall be and he

is hereby made chargeable with on the said Tenth day of June yearly such person or persons so offending shall forfeit and pay the sum of Five pounds for every Tythable so concealed and refused to be delivered in. One halfe to the Informer and the other halfe to the Vestry for the use of the parish wherein the said offender shall reside to be recovered by Bill Plaint or Information in any Court of Record within this Government wherein no Essoign Protection Injunction or Wager of Law shall be allowed or admitted of.

And Be It Further Enacted by the Authority aforesaid that each and every constable in this Government shall on or before the Tenth day of February next take an exact account from every person within their Limits or division of the numbers of Tythables in their respective divisions and deliver the same to the Treasurer of the precinct on or before the first day of March following That the Treasurer may be enabled to discover such as shall neglect to pay their Poll money for this year.

And all and every person or persons that shall refuse to give an account to the constable of the number of Tythables and every constable that shall neglect to do his duty herein shall incurr the same penalties and Forfeitures as before in this Act is ascertained.

[FROM THE PRINTED PAMPHLET.]

PARTY-TYRANNY: OR AN OCCASIONAL BILL IN
MINIATURE.*

As it has been always the Care of the Commons of England, to Defend the English Subjects from all manner of Invasions of their Liberty; the Authors of this, thought it a Duty, and it seems to be the Duty of every part aggriev'd, to apply to their Common Remedy in all their Oppressions; where they have reason to expect Relief in all Cases that merit their Cognizance, and who are indeed proper Judges, whether the Cases of which they Complain, merit their Cognizance, or no.

The Doors of the House of Commons are ever Open to receive the just Complaints of the People, and no Man however Mean or Despicable he be, but has a full Liberty to bring his Grievances to their Feet, and has Reason to expect suitable Redress.

If it be the proper Business of the House of Commons, to Redress the Subject's Grievances, it must be the proper Duty of the Subjects, to lay that Grievance they Expect Redress in, before them; The House of Commons are but Men; they are a Select Number chosen from the General Body, to represent the whole, and due Deference ought to be paid both to their Dignity and Capacity; but still they are but Men, and cannot be supposed to know the Grievances of the Subject they should relieve, till they are laid before them, and till they are fairly and properly represented.

And this is both the Reason, and we hope the sufficient Justification of this Book; It contains a short, but true Abridgement of High-Church-Tyranny, it is an Occasional Bill in Miniature; 'tis a Compendium of Various Kinds of Oppressions practised on the English Subjects, by Fellow-Subjects in the Face of the Government, which being Establish't on the Neck of Tyranny, has Openly Declar'd against all sorts of Invasion of English Liberty.

If any Man shall say this Matter is not Cognizable in Parliament, and that the People of Carolina are not represented here, having a Parliament of their own, by whom they are to be Determin'd, that they are therein Entirely under the Government of themselves, and that these

*Party-Tyranny; or, An Occasional Bill in Miniature; As now Practiced in Carolina. De Foe. Humbly offered to the Consideration of both Houses of Parliament. London: Printed in the Year, 1705.

Oppressions are the Act and Deed of their own Representative, and therefore their own Act and Deed. I shall take Leave to Answer.

'Tis true, by the Constitution of Carolina, they are under the Government of themselves, and perhaps if their Constitution were rightly Administred, it may be allow'd the best Settlement in America. But as the Wisdom of their Constitution is known, and unquestion'd, without doubt those able Heads that settl'd their Government, did not forget, that even those Representative Assemblies, especially in the Infancy of the Government, might be corrupt, or might by Bribery or other ill Practices, be Modell'd and Influenc'd in Matters of Parties, to Oppress and Injure the People they acted for. That especially in their infancy and the Paucity of Electors, they might be Obtruded upon the People by Clandestine Methods, the Management and Artifices of Governors, and Men of Design, might have great Opportunities from the Power and Purse of the People to byass and awe the Elections; and having fill'd their Assembly with Men of their own Principles, all manner of Mischiefs might ensue to the Destruction of the Colony, Overthrow of the Settlement and Ruin of the Inhabitants.

And if any Man ask me, why then they did not make Laws, to direct the People in such Cases what to do, I cannot, but Answer for them, as I verily believe they would have Answered for themselves had they been alive.

That when any Body of Men Representative, or other Acting by, or for a Constitution, from whom they receive their Power shall Act, or do, or make Laws and Statutes, to do any thing destructive of the Constitution they Set from, that Power is Ipso facto dissolv'd, and revolves of Course into the Original Power, from whence it was deriv'd.

From hence it must follow, that upon known Depredations of Common Liberty, Breach of the Capitulations of Government, between the Governors and the People of Carolina; the People without doubt, by Right of Nature as well as by the Constitution, revolves under the immediate Direction and Government of the English Empire, whose Subjects they were before and from whom their Government was deriv'd.

It remains here, to lay down what these Capitulations I speak of are, by which the people of Carolina ought to be Govern'd, and in the Breach whereof they are Oppress't; and then to descend to the black Relation, how these Postulata are broken and unregarded, how these people are Injur'd and Tyranniz'd over, what Redress ought to be given them by their Governours the Proprietors How that Redress has been legally sought for, and humbly petitioned for but in vain.

I shall then Examine, not only, how far the People have a Right to dispence the Engins of this Sub-Tyranny ; but how far the Constitution itself is dissolved, and the People have a Right to Establish their being there so far as their Freehold extends ; Upon such Foundations of Justice and Liberty, as that it may no more be in the Power of Usurping Thieves and Oppressors, to injure and disturb them.

In Order to the first, the Reader may please to take the following Abridgement of the Constitution of the Collony, as the Ground Plot by which, tho' it be short, he will plainly Discover, upon what Exact Basis of Right and Property this Government was Erected, and how, plainly, by the Encroachments of the present Gentlemen, the People are Injur'd, the Constitution in itself Destroy'd and Inverted, and the People left,

Free To Choose for their Own share,
 What Case of Government they please to wear,
 If to this Lord, or that, they do Commit
 The Reins of Rule
 All men are bound in Conscience to submit ;
 But then that Lord must give his free Assent,
 To Postulata's of the Government,
 Which if he breaks, he Cuts off the entail,
 And Right retreats to it's Original.

An Abridgement of the Settlement of Carolina.

To Understand the true Foundation and Establishment of the present Plantation of Carolina, it is necessary to Observe.

That this Colony, tho' discovered, and in part possess'd, even before that part of America, call'd Virginia to which it is contiguous ; yet lay for several Ages of Time unimprov'd and neglected, till about the year,

When a particular account of its Fertility, the wonderful agreeableness of the Climate, the Pleasantness and Health of its Scituation, Advantages of Produce, Fitness for Trade, and all Manner of Improvement, being brought to some Gentlemen of Quality and Estates in England, they resolv'd to encourage the planting this Country, and in particular, resolv'd to settle it upon some better Foundations of Government, than the rest of the English Colonies seem'd to stand upon ; as the Only Thing ; which added to the rest of its Advantages, wou'd best encourage the speedy Planting it, and draw Inhabitants in Great Numbers from other Plantations to this New Settlement ; These Gentlemen being truly sensible of that known and undisputed Maxim of Govern-

ment, That the Number of Inhabitants, is both the Wealth and Strength of a Nation.

In order to this, they first obtain a Grant of the Province from King Charles the Second, to them and their Heirs, as Absolute Lords and Proprietors of the Country.

But the Reader is desir'd not to forget, that this Grant, or Charter of King Charles the Second, had two Restrictions or Saving Articles in it, which, indeed, were not Provifo's of Capitulation, but Proviso's of Necessity. I'll explain myself presently, the Salvo's were these,

1, Saving always the Faith, Allegiance, and Sovereign, Dominion due to us, our Heirs, and Successors for the same. And

2, Saving also the Right, Title and Interest, of all, and every our Subjects of the English Nation, which are now planted within the Limits and Bounds aforesaid. See the Printed Charter, p. 3.

These I call Provifo's of Necessity, because nothing can depute more Power, than it possesses.

I. The King could not part with the Allegiance and Dominion due to the English Crown, without Consent of Parliament. For, 1. That had been, to have alienated Part of the English Government from the Crown.

2, It had been, to consign some of his Subjects over to the Government of another Prince without their Consent.

II. The King could not grann the Right, Title and Interest of those of his Subjects already planted there, for that was none of his own; and he could no more transfer their property, than their Allegiance.

I bespeak the Reader, bearing with this Digression, as what he will see just Reason for, and a good use made of by and by: But for the present he may Observe,

1, That the Government of Carolina is dependant upon England, and subject to the Laws, Government and Direction of the English Crown; and consequently their Grievances are cognizable in the Parliament of England.

2, There were Inhabitants in Carolina before the Grant made to the present Proprietors, which Inhabitants had a Right both to the Government as well as Possession; which King Charles the Second, neither did, nor cou'd grant by Charter, or otherwise to any Body.

3, As their Allegiance to the English Crown cou'd not be transfer'd by Gift or Charter, so neither could the Protection of the English Government be deny'd them; and therefore, the Parliament of England has an undoubted Right to redress their Grievances, and to relieve them against all the Oppressions of their pretended Governours of what kind soever. And this is my Reason for the Argument.

This Charter is a Creation of the Proprietors, both Temporal and Spiritual Lords of the Country, and gives them full Spiritual Dominion, as to Building and Forming Churches, with the Patronage, and Advowson of them, the Dedication, Consecration, but limited to the Rites of the Church of England; a Continued Badge of their Dependance on this Kingdom, both in Spiritual Matters, as well as Temporal. The Tenure of this Regality is also held of the Mannor of Greenwich in the County of Kent, in Free and Common Soccage, paying to the Crown, as of the said Mannor twenty Marks Yearly as a Quit-Rent, and a Fourth part of all Gold and Silver Oar, which shall be found.

Nor was the Proviso for the Right of the People already planted, or to be planted, at all forgot in this Charter by the King; for in the first Empowering Clause of the Charter, it is expressly said,

“To ordain, make, enact, and under their Seals to publish any Laws whatsoever But how,

By and with the Advice, and Assent, and Approbation of the Freemen of the said Province, or the greater Part of them.

Vide the printed Charter, p. 4.

This is incerted to remind those Gentlemen, that Assembling the Freemen of Carolina to make Laws &c. was not a Voluntary Act of their own Clemency, but what they were oblig'd to, by the very Charter from whence they derive their Authority.

Nor was it a Restriction of the meer Grace of the King, but according to the Native Right of the Freemen, Inhabitants of Carolina settled there before, provided for in the Clause before-mentioned, whose Right, even the King himself, had no Power to Dissolve or Transfer:

In making the Laws these Assemblies are empower'd to Enact and Execute, It is further Remarkable, and of which, I hope, good Use will be made, His Late Majesty Charles the Second, lays another Double Restriction.

1, “Provided such Laws be consonant to Reason.

2, “As near as may be conveniently, agreeable to the Laws of England.

His Majesty knew, that Law is the Result of Reason, and that the Sovereignty of Reason over all the Actions of Men, cannot be invaded, but that Laws offer'd by whatever Society of Men against Reason, are void of course, and therefore expressly prepar'd them to expect it.

In the next place, His Majesty plainly signifies, that all their Laws ought to be corresponding with the English Constitution, Convenience of the People, Anglico, The Publick Good only excepted; by which is

infern'd, that Reason and the Publick Good are the principal Ends of all Law, and are to supersede all the Power granted to the Proprietors of Carolina as indeed they ought to do all Humane Power committed to Man in the World.

Upon these and sundry other Conditions was the first Charter or Grant made to the Lords Proprietors of Carolina, dated the 24th of March, 15 Car. II. A second Grant or Charter verbatim by the first, only Enlarging the Bounds, was granted to the same Lords Proprietors, dated the 30th of June 17 Car. II. and the Proprietors by these Two Charters are, Edward, Earl of Clarendon; George, Duke of Albemarl; William, Earl of Craven; John, Lord Berkeley; Anthony, Lord Ashley, afterwards Earl of Shaftsbury; Sir George Carteret, Sir John Colleton and Sir William Berkeley.

Pursuant to these Charters, The Proprietors went on with the Settlement of this Colony, and knowing that on the good Government of the Province, and the large Priviledges granted to the Inhabitants, depended very much the Encouragement to Strangers of all Nations, and Estates thither, and consequently the Prosperity of the Colony.

They formed the Government of the said Province into a Publick Instrument, which they call the Fundamental Constitution of Carolina, consisting of 120 Articles, which in the last Article are declar'd, shall be and remain, the Sacred and Unalterable Form and Rule of Government of Carolina for ever.

These Articles are afterwards abridg'd into One and Forty, containing the full Substance, Intent and Meaning of the aforesaid One hundred and Twenty, and being first sign'd and seled to by the Lords Proprietors, as the Paëta Conventa of Government; are presented to, and accepted by the Freemen, Freeholders and Inhabitants, and agreed to be past, in a Full and Free Parliament or Assembly, as the Sacred and Unalterable Conditions, on which they Consent to be Governed and Directed, and to which they submit.

An Abridgement of the Constitutions, Consisting of 41 Articles.

The Preamble sets forth, That K. Cha. the IIId, having Granted to the Proprietors the Province of Carolina, with all the Royalties Priviledges &c.

For the better Settlement of the Government of the said Province, the said Lords Proprietors agree to the following Form of Government to be perpetually Establish't, and which they oblige themselves to in the most binding Ways that can be Devis'd.

The First five Articles contain the Regulation of Authority and Division of the Government into, 1, The Proprietors Court to Consist of the Palatine, and seven Proprietors, and in the Absence of the Governor, and such Deputies as they Assign: This Court to have all the Supreme Power Granted to the Proprietors in the Charter, as Calling and Dissolving Parliaments, Pardoning Offences, &c.

The 6th to the 19th Article regulates the Parliament, to Consist of the Proprietors or their Deputies by themselves; The Landgraves and Casticks in the Upper-House, and Freeholders in the Lower-House; this is their King, Lords, and Commons, and the Manner Exactly Regulated to the Simily, with Limitations and Qualifications for Electing, and being Elected, and the Privileges and Office of each House settled.

To the 22d Article Exclusive is settled the Division of the Province into Counties, the Limitation of Every ones Quantity in Possession, the Tryal of Causes and Crimes per Pares, the Choosing and Deputing the Governour, the Admitting Freemen, Establishing Religion, Churches, &c.

To the 38th Article they determine what Society of Men, and on what Terms shall be Esteemed a Church, and the Regulating Religious Matters, wherein the only Religious Quallifications, by which any Man is admitted a Member of any Church, and of the Government are these two.

- 1, That he believes there is a God,
- 2, That God is Publickly to be Worshipped.

A Third Article Obliging all People to bear Witness in Cases Required to Truth, either by Oath or some Equivalent, is added.

The 39th Article is positive,

“No Person whatsoever shall Disturb, Molest, or Persecute, another for his Opinion in Religion, or Way of Worship.

The two last Articles settle the Freemens Power over their Slaves, and the Form of Signing the Constitutions by all Persons admitted into Office of Trust.

And the Conclusion of these Articles are thus,

Those Fundamental Constitutions in Number Forty One, and every Part thereof shall be and remain the inviolable Form and Rule of Government of Carolina for ever. Witness our Hands and Seals 11 April, 1698.

BATH Palatine,

A. ASHLEY,

CRAVEN,

BATH for Ld CARTARET.

WILLIAM THORNBUGH,

for Sir JOHN COLLETON.

THO. AMY,

WILLIAM THORNBURGH.

These Constitutions I know have obtain'd upon the World, to be the Contrivance of the Old Earl of Shaftesbury; but I think, I have very good Authority, to assure the World Mr. Lock had the Right of Parentage to the former; whether I ought to contend for either the Policy or Humane Understanding in Right of either of these Great Men in the Contrivance or no; I shall not debate. I am certain of this, they handed the Infant Government into the World without Leading-strings, and turn'd it loose before it cou'd stand alone; by which means, like young Romulus, it has got a Wolf to its Nurse, and is like to be bred up a Monster.

'Tis true, these Constitutions were not actually past in any Assembly, and so may be objected against, as not so binding as in other Cases they would be.

But they were signed by the Proprietors, and in the Infancy of this Settlement by the Inhabitants, as they came there to Settle; and were only referr'd to a Parliament or Assembly when the Colony was considerable enough to require it.

In these Parliaments, these People have always opposed passing the Constitutions, fearing without doubt, to come under the Fetters of the Law, and a just Government; and knowing the Measures they design'd to take, were destructive of the very Being and Nature of the Government; and therefore being unwilling to have the Obstruction of any Settled Constitution, they always rendered the Proposal contemptible, and banter'd the Colony with the frequent Attempts to pass them, laying them by, as useless Trifles not worth Notice, tho' they were indeed the Fundamentals of their Government.

It remains now to examine, how the Gentlemen now concern'd have acted in Correspondence to

- 1, The Powers granted to the Proprietors,

- 2, The Pacta Conventa with the People, and in this Enquiry, it will come to be examin'd.

- 1, Whether the Powers assembled there, have been summon'd according to the Constitution.

- 2, Whether the Freeholders, and none but such have elected the Persons, who have imposed these Laws, and have had a Free Choice.

- 3, Whether these Laws have the due Qualification requir'd by the Charter, viz:

- 1, To be consonant to Reason,

- 2, To the Utility of the Subject,

- 3, To the Preservation of Right and Property: The Words expressly set down in the Charter.

4, Whether if not, they are not void in their own Nature.

5, Whether the Lords Proprietors not redressing these Abuses when humbly address to by the Inhabitants; have not broken the sacred, unalterable Conditions of the Government.

6, Whether this Fracture of the Constitution, does not empower the Inhabitants of Carolina who purchas'd Estates, and settl'd there on these Conditions, and of whose Right his Late Majesty made such Provision in his Charter, have not a full Power to settle such other Government and Constitutions, as shall correspond with the Freedom and just Rights of the Province, tho' without the Consent of the said Lords.

7, Whether all this Matter is Cognizable in the Parliament of England, and the Proprietors of Carolina subject to such Determination as shall be made there.

It lies before us now, to Examine, How these Gentlemen have acted, in Correspondence to the Powers granted by the Charters to the Proprietors, and the Constitutions or *Pacta Conventa* made with the People.

Before this is enter'd into, I must determine, who I mean by those Gentlemen; for this Paper as 'tis a Complaint of Fact may be also expected to be a Charge against particular Persons also.

To this it is answer'd, The Proprietors in one Sence may be the Persons charg'd here, as being answerable for all the irregular Practices of those that act under them; since every Man is really the Actor of what is done by his Authority, and every Man is tacitely the Author of what is in his Power to hinder, and which he ought to hinder.

But as here is no Need to fly to a speculative Charge, when the Agents and Instruments of these Mischiefs are known and plain, and to be found upon the Spot; so let the Charge lye in its constructive part where it will, 'tis plain, where it more immediately lies by the following Instances to which I refer, and the Persons will be but too easily known there.

But yet this Account cannot pretend to clear the Proprietors, from being both Agents and Principals, at least some of them, in that they have constantly had the particulars of these Things, laid before them in the humble Petitions of the Inhabitants; which they to their great Charge and Trouble, have sent over to England by Members of their own Body, purposely Deputed as Embassadors to the Proprietors; viz, John Ash, Esq; who died here in the Negotiation of those Affairs, and is now succeeded by Mr. Jos. Boon, as will appear in the Prosecution of this Paper.

The submissive Letters, the humble Applications, the Petitions and Remonstrances of the People of all perswasions, and of the Conforming Minister of the place, demonstrate, that the Oppression is universal, the Grievance Extraordinary, and that the Proprietors have been duely inform'd of it all.

I think, it will most naturally occur, that if these Gentlemen, who, God knows, are ill qualified for Government, do not redress the Grievances of the people, some Body else must; and for that purpose, the present Application is made to the Commons of England assembled in Parliament; where publick Grievances never fail of Redress, and where all sorts of Tyranny has been the Sacrifice to Justice.

The Government of this Province has had the usual Misfortune of those People, who are left to the Conduct of Mercenaries; the Gentlemen-Proprietors, or Lords (call them what you will) are very honest Gentlemen; but are here plac'd above their Sphere; they are Gentlemen of Birth and Fortunes, and well enough instructed in Things within their Quality, but they never learne to be Kings; they have not taken in the Hint of Pater Patria, they don't know, that a King must be the Father of his People; and that there is a sort of Patriarcal Affection, as well as Obligation, between a King on the Throne and the People He Governs, which obliges them to treat them with Gentleness, listen to their Complaints, and redress their Grievance; they need have gone no farther, than to their own Sovereign, to have seen a Pattern of this Pious Care, and have reflected, how Sollicitous Her Majesty appears for the General Good; how pleas'd and thankful, when Prosperity Crowns their Affairs; how affectionately Concerned, when any Calamity attends Her People, either publick as in the Great Storm, or private in the Case of Trade; as in the Disaster of Mr. Pitkin's ill treating them: How concern'd did Her Majesty appear for the Widows and distress'd Families of the Seamen that perisht in the Storm! how bountifully relieve them! and the like. Whence does this proceed? God Almighty, for the Good of Nations, furnishes Princes, born to Crowns and Kingdoms, with the suited Affections for these Circumstances of Government, and thereby fullfils the promise of making them Nursing Fathers, and Nursing Mothers.

These Propriety-Monarchs are born without these Affections, like a Landlord to his Tenant, they have their Eyes upon the Rent; their Concern, if any, is not of Affection, but of Interest; they are Step-fathers and Strangers in the Government, and they have shown it; for their Ears have been stopt, and shut to the Complaints of their Oppress'd People;

they govern them by Sub-Tyrants, and connive at their Tyrannies, because they are not furnished with the Affection of Love to the People they govern.

That this is no Scandal, and I hope, no needless Digression, I shall refer to the Judgment of the Impartial Part of Mankind, after Reading the true State of the Colony, as now suppress'd and under the Government of a Party, and of the Tyranny practis'd there, and this will be best represented by themselves.

I shall then describe the true Posture of it, as it would reasonably be allow'd to be, under a State of Liberty and Encouragement; in the Result of which, the Imprudence and ill Policy, as well as Injustice of the Proprietors, will appear in suffering a flourishing Colony, thus to languish under their Hands.

The first thing I shall refer to for a Prospect of the Grievance before us, is the Representation of the Inhabitants, directed to the Proprietors, sign'd by above 100 of the principal Merchants, Freeholders and Planters, with several Members of the Assembly; and sent over by John Ash, Esq; who, with great Difficulty and Hazzard, got away to Virginia, where his Powers and Instructions were Convey'd after him; the Government there using all possible Endeavours to prevent him. The Address is as follows:

To the Right Honourable John Granvill, Esq: Palatine, and to the rest of the true and absolute Lords and Proprietors of the Province of Carolina.

The Representation and Address of several of the Members of this present Assembly return'd for Colleton County, and other Inhabitants of this Province, whose Names are hereunto Subscribed.

MAY IT PLEASE YOUR LORDSHIPS,

Altho' the miserable Estate of this Colony will be sufficiently known to your Lordships, from the Relation of John Ash, Esq: who is fully intrusted by us to remonstrate our grievances to your Lordships; yet we think our selves exceedingly bound and obliged to lay before you, what we think does concern your Lordships Honours, and the Peoples Rights and Priviledges; For if the Question were about matters of small moment, we should be asham'd to be importunate and unwilling to give the least trouble to your Lordships; but considering that the very Foundation of our lawful Rights, hath of late been struck at by Persons, who have more regard to their private Interest than the Publick good, we humbly conceive, that it cannot stand with the Duty we owe

to our selves as English-men, or to our Posterity, to sit down contented with less than that which every Liege and Freeborn Subject of the Crown of England may, and of Right ought to have. And therefore least our silence should be prejudicial to so important a Cause, we humbly crave your Lordships leave, faithfully and impartially to represent to you the great and notorious Violations and Infringments of our Laws and Liberties, under which we suffer.

We shall go no further back, but date the unhappy Causes and Grounds of our Complaints from, and immediately after the Death of the late Governor Blake; for the Choice and Election of a Governor to succeed him being intrusted with your Lordships Deputies here, that Person amongst your said Deputies who made the strongest party in the Council, did carry the Government, by perverting the Design, and breaking through the Rules and Instructions agreed to by your Lordships for such Election. And this manifestly appear'd in the unjust Election of the late Governor Moore, in prejudice of Landgrave Morton's Title, who (after he was Elected by a Majority of the Council then present) was Objected against by the said Moore, and excluded, only because he had accepted of a Commission from the King; And as the said Moore acquir'd and obtain'd the Government of this Province by Fraud, Flattery and trifling Exceptions, as aforesaid, so has he endeavour'd, ever since to manage all things by base and indirect Methods, and crafty Projects, which made his Government miserably unfortunate to us all. The great and personal Debts and Necessities which the said late Governour Moore had to struggle with, may well be thought to have put him upon, and prompted him to Designs, to enrich himself at the hazard of publick Peace and Welfare; And because these his designs could not possibly be effected by himself alone, he knew very well, that to engage the Council to his Interest, and to have an Assembly chosen to his liking, would be the way effectually to compleat and accomplish his Ends and Purposes; Thereupon 'tis manifest, there being Vacancies in the Council, for Persons fit and worthy to represent your Lordships Pleasure not being then signifi'd and known therein, those very Vacancies were supply'd by such Persons whom he beforehand knew, and was well satisfi'd and assur'd, would be for his Use and Purpose; and it's as well known, that the Debates and Consultations of the Council have all along been carry'd on, and manag'd to the ends aforesaid.

And pursuant to his said Design, he did by indirect Practices endeavour, that such an Assembly might be chosen, as would be agreeable in their Temper and Disposition with his designs and Resolutions; This was to

be brought about, though the very Foundation of our English Rights and Liberties were undermined, and utterly subverted in the Attempt.

I. We therefore, in the first place, humbly represent to your Lordships, and we do Assert and Maintain, That it is one of the fundamental Rights and unquestionable Priviledges belonging to Englishmen, That all Elections of their Representatives to serve in Parliament, ought to be free and indifferent, without any Prayer of Commandment to the contrary, and that no Alien born out of the Allegiance to the Crown of England, unless he be otherwise especially qualify'd, ought to Elect for, or be Elected to serve as a Member of Assembly; all which, notwithstanding, at the Election of Members of Assembly to serve for Berkly County made in the Month of November, 1701. There were several great Abuses made and committed, against the ancient Usages and Customs of this Province, and contrary to Law, particularly an Act Intituled, An Act for Regulating Elections, &c. and to the great dissatisfaction, and manifest Prejudice of the several Inhabitants of this Province, Candidates and others. For so it was, may it please your Lordships, that at the said Election, much Threatnings, many Intreaties, and other unjustifiable Actions were made use of, and illegal and unqualify'd votes given in to the Sheriff; and by him Receiv'd and Return'd, particularly the votes of very many unqualify'd Aliens were taken and enter'd, the votes of several Members of the Council were filed and Received, a great number of Servants, and Poor and indigent Persons, voted promiscuously with their Masters and Creditors, as also several free Negroes were Receiv'd, and taken for as good Electors as the best Freeholders in the Province. So that we leave it with your Lordships to Judge, whether admitting Aliens, Strangers, Servants, Negroes, &c. as good and qualify'd voters, can be thought any ways agreeable to King Charle's Patent to your Lordship's, or the English Constitution or Government.

II. We Represent to your Lordships, that when at the Meeting of the Assembly, divers Candidates, by Petition by them Exhibited, pray'd to be heard against the Return of the Sheriff for Berkly County of the Election aforesaid, and insisted upon their Right, and that the Sheriff's Return was false and illegal; and the said Assembly the better and more impartially, to inquire into the ill Practices at the said Election, did first of all resolve to begin upon Priviledges and Elections, that the late Governour Moore, to prevent such Inquiry, did several times Prorogue the said Assembly,

III. That when the said Assembly were at last suffer'd to sit, the Inquiry and Examination into the Sheriff's Return of the last Election

was obstructed, and industriously prevented, by setting on Foot an ill aid design of raising Forces to attaque St. Augustine.

IV. That notwithstanding your Lordships repeated Commands to your Deputies, to procure a good regulation of the Indian Trade, on which our friendly Correspondence with all our neighbouring Indians, and the Peace and Safety of this Colony chiefly depends, yet the said late Governor Moore has been by his Artifices, the Chief (if not the Only) Occasion of obstructing the same, designing nothing less than ingrossing the same for himself and Accomplices; having already almost utterly ruin'd the Trade for Skins and Furs (whereby we held our Chief Correspondence with England) and turn'd it into a Trade of Indians or Slave-making, whereby the Indians to the South and West of us are already involv'd in Blood and Confusion, a Trade so odious and abominable, that every other Colony in America (altho' they have equal temptation) abhor to follow.

V. That the said late Governor Moore did grant Commissions to Anthony Dodsworth, Robert Mackoone, and others, to set upon, assault, kill, destroy, and take Captive as many Indians as they possible could, the Profit and Prodvce of which Indian Slaves were turn'd to his private use; whereas such undertakings, unjust and barbarous in themselves, will in all Probability draw upon us an Indian War, with all the dreadful Consequences of it.

VI. We represent to your Lordships, that the late unfortunate, ill contriv'd and worse Manag'd expedition against St. Augustine was principally set on Foot by the said late Governor and his Adherents; and that if any Person in the said late Assembly undertook to speak against it, and to shew how unfit and unable we were at that time for such an Attempt, he was presently look'd upon, by them, as an Enemy and Traytor to his Country, and revil'd and affronted in the said Assembly, altho' the true Design of the Expedition, was no other then catching and making Slaves of Indians for private advantage, and Impoverishing the Country; And this will plainly appear, when your Lordships know that your Country is brought more in Debt at this time, and upon this occasion, than ever since its first Settlement, if we put all the Debts we have ow'd together; and that the Expedition was to enrich themselves will appear particularly, because whatsoever Booty, as rich Silks, great Quantity of Church-Plate, with a great many other costly Church Ornaments and utensils taken by our Souldiers at St. Augustine, are now detain'd in the Possession of the said late Governor and his Officers, contrary to an Act of Assembly made, for an equal Division of the same among the Souldiers.

VII. That the said Governor would have had the said Expedition against St. Augustine, begun and undertaken before the War with Spain, was Proclaim'd here; and this was vehemently urg'd by his Interest in the said Assembly, but with much ado, being put to the Vote, was carried in the Negative. And when at last the Expedition was Order'd, the Management of the said late Governor was such, in all its Steps, particularly in relation to his shameful retreat, and burning the Country's Vessels, that we are asham'd to mention the same till we have a Free Assembly, before which the matter may be fairly try'd, which is the only thing the said late Governor and his Adherents are most afraid of.

VIII. That in the said late Assembly, the Constitutions sent by Major Daniel were offer'd for their passing, Urg'd with great strength of Reason for to have them pass'd by Mr. Ash, but they were opposed by Mr. Trott, Mr. Howes, and others, the said Governor's Creatures, and several reflecting words used by the said Tritt and Howes concerning them, exposing the Constitutions as Ridiculous and void in themselves, (thereby endeavouring, notwithstanding your Lordships care of us) to keep the People in an unsettl'd Condition, that from time to time, they might the more easily be imposed on by them.

IX. That after the People Return'd from St. Augustine, the time for the said Assembly to meet, according to the last Prorogation was just at hand; when they met, they went upon the Inquiry of the Charges the Country had been at in the said Expedition, and were upon Debate for the finding out Ways and Means for the Payment of the Countries Debts, for securing the Colony, for the settling of Elections for the future, and for granting as much Freedom to the French, and other Aliens, as could be granted by the Assembly, or the French reasonably expect. A Bill for the better Regulating Elections, pass'd the lower House twice, and was sent up to the said Governor and Council, where it was rejected without so much as a Conference; upon which several of the Members, jealous of their Priviledges, and being so order'd by those that sent them, left the House, first entring their Protestation, a Copy of which Mr. Ash has to show your Lordships, and to which we refer You.

X. But what we have yet to represent to your Lordships, makes very deep Impressions on us, and is not to be thought on by us, but with the greatest Regret and Concern. But altho' the Members of the late Assembly, who Protested, and did leave the House as aforesaid (hoping that the next day they might find things in better order, and some temperating Means found out, which might have given some tolerable Assurance of

having their Liberties secur'd) went every one of them to the House on the Morrow, and frankly offer'd to sit longer, if the rest of the Assembly would joyn with them to Assert their Rights; but instead of any compliance, they were Abus'd, Revil'd, and treated with the most reflecting Language imaginable, very unbecoming an Assembly. And we further Represent to your Lordships, that after such Abuse given them in the House, several of the said Members, viz: the said John Ash, Esq; Landgrave Thomas Smith, and others, were Assaulted and set upon in the open Street, without any Provocation or Affront by them given or offer'd. The said Thomas Smith was set upon by Lieutenant Colonel George Dearsby, who with his Sword drawn, and the Point held at the said Smith's Belly, swore he would kill him, and if he had not been prevented, would have done the said Smith some considerable Mischief, to the endangering of his Life. The said John Ash walking along the Street, was assaulted by a rude, drunken, ungovernable Rabble, headed, encouraged and abetted by the said Dearsley, Thomas Dalton, Nicholas Nary, and other Persons, Inhabitants, who set upon the said Ash, used him Villanously and Barbarously, and that Evening; when he the said Ash was retir'd into a Friend's Chamber for Security, the same armed Multitude came to the House where the said Ash was, and demanded him down, assuring him at the same time that they would do him no hurt, but only wanted to discourse with him, upon which Assurance he came down to them; who notwithstanding being encourag'd and assisted by Captain Rbett, and others, drew him by Force and Violence on board his the said Rbett's Ship, reviling and threatning of him as they drag'd him along; and having gotten him on board the said Rbett's Ship, they sometimes told him they would carry him to Jamaica; and at other times threatning to Hang him, or leave him on some remote Island.

XI. That the said late Governor had the same day (immediately before the Riot began) treated a great many of the Persons concern'd therein, and used such Expressions to them as give them, next their drink, the greatest Encouragements for what they acted, by telling them, that the protesting Members would bring the People on their Heads for neglecting to pay the Country's Debts, which if it should happen, he knew not who could blame them; in the meantime he thank'd them for their close adherence to him in all his Concerns. And after the Riot began (of part of which he was an Eye-witness) having first drank with some of them, he withdrew himself out of the way, thereby giving them greater Incouragement to proceed in their Tumultuous Practises, and by his Example and Absence, discouraging the inferior Officers from executing their Duty.

XII. That whilst the said Riot continu'd, which was four or five Days, Landgrave Edmond Bellinger, who was a Justice of the Peace, there being no other to be seen that understood his Office, went out to Suppress and Record the aforesaid Riot, but the Rioters no sooner saw him, than they call'd him all the opprobrious Names they could think of, and the said Rbett came up to him, and struck him over the Head with his Cane, and continu'd beating and striking of him for a considerable time, as by the said Record herewith sent your Lordships will more fully appear.

XIII. That the said Rioters beat and abused Mr. Joseph Boone, and put him in danger and fear of his Life, without any Provocation by him given or offer'd; and that for four or five days successively, and at other times after, the said Rioters unusually Arm'd and Weapon'd, to the great Terror of the People, and frightned and terrify'd Persons, that they were forc'd to leave the Town, their Affairs and Interests exposed to the Mercy of a licentious Rabble.

XIV. That some of the said Rioters, whilst the Riot was at the Church, went one Night to the House of John Smith, a Butcher in Charles Town; and there being a Woman big with Child in the said House, they with Force open'd the door, threw her down, and otherwise misused her, that she brought forth a dead Child, with the Back and Skull broken.

XV. That the said John Ash, Thomas Smith, James Byres, Joseph Boon, and others, complain'd to the said late Governor and his Council, setting forth the Abuses and Barbarous Usages they had met withal from the aforesaid Rioters, and the Danger they were yet in, for that the said Rioters were still in Arms &c. but they met with no other Satisfaction from them, then that the said late Governor shifted off the Matter; by saying, it was a Business fit for a Justice of Peace; and being ask'd by James Byres, whether or not he look'd on himself, as Governor, oblig'd to keep the Peace of the Province? He reply'd, that was a Question he was not oblig'd to Answer.

XVI. That before the next Sessions of the Peace, holden for the said Province, Sir Nathaniel Johnson was proclaim'd, and took upon him the Government; and then Mr. Trott had a Commission to be Judge, and the said late Governor was made Attorney General; so that it was in vain to expect any Relief or Remedy here: However, the said Edmond Bellinger, did what in him lay, to have the said Riot inquir'd into, gave in the Record thereof to the Bench, and some of the Grand Jury urg'd to have it presented, but to no purpose; for some of the Abettors of the

Rioters being of the Jury, and making Friends there, stopt the whole Proceeding.

XVII. We further represent to your Lordships, that contrary to the Rights and Privileges which we ought to Enjoy, the last Election of Members to serve for Berkly County, was manag'd with greater Injustice to the Freemen of this Province than the former; For at this last Election, Jews, Strangers, Sailors, Servants, Negroes, and almost every Frenchman in Craven and Berkly County, came down to Elect, and their votes were taken, and the Persons by them voted for, were Return'd by the Sheriff, to the manifest wrong and Prejudice of other Candidates.

Things standing with us, as is before faithfully represented to your Lordships, we thought it our Duty, since we can have no Remedy or Relief in Carolina, to apply our selves to your Lordships, whose Paternal care and Concern for us, we Question not, will be signally evidenc'd and extended unto us upon such occasions, and in such extremities; For when once our Lawful Rights and Priviledges are deny'd us, when Foreigners and Strangers shall make our Laws, when we can have no Protection from those who ought, and are Intrusted by your Lordships, to see the Laws executed, when, in a word, force is made the Arbiter of all differences, and all things reduc'd to a State of Confusion, it is surely a time, if ever there be one, for a People to Complain, and miserable are those Subjects, who must be Hector'd and Domineer'd over by their fellow Subjects, even by those who have hardly any other way to support their decay'd Fortunes, but at the Expence of the Publick. It may be worth your Lordships while, to Reflect what might have been the occasion, that so few Persons of Intrest, Honor, and Education come amongst us, and that good People go, and are going from us, when the Colony is in a Thriving Condition; certainly it is because the English Liberties, that all Her Majesty's Subjects in all other Places in Her Dominions Justly claim, are notoriously trampil'd on, to the great discouragement of Settlers. As to the French, they have hitherto liv'd peaceably, and with due encouragement amongst us; but when we see and consider, that they are often made Tools of, and imposed upon, and perswaded by ill designing Persons here, to carry on sinister designs to the General disadvantage of the Country, and how easily they are drawn into Errors, by reason they have not a right understanding of our Language, and are ignorant of our Laws, we can't imagine that we do them any hurt, by making good and wholesome Laws for us and them, since we Oblige them by no other Laws whatsoever, or upon any Account, than what we our selves are Obliged by, and live under. What then have we to entreat for and

pray of your Lordships? Nothing less, than that your Lordships would be pleased to establish the peace of this Colony on such a sure Foundation, that it may be beyond the Wit and Malice, and out of the Power of ill designing Men to disturb it for the time to come. And lastly, we on behalf of our selves and Her Majesty's liege Subjects, Inhabitants of this Province, do more especially pray and desire your Lordships, that you would be pleased to give directions for calling a free General Assembly, which will undoubtedly assist your Lordships to Redress and Remove the Grievances aforesaid, settle the Peace and Prosperity of this Colony, and procure that chearful obedience which ought to be Render'd to your Lordships, under Her present Majesty, carrying with it the offer of our Fortunes and best endeavours for Her Majesty's and your Lordships Honours, as a real Testimony of our thankfulness.

SIGN'D BY 150 OF THE INHABITANTS.

Caroline, 26 June, 1705.

The Gentleman, who brought this, a Member of their Parliament and Considerable Freeholder, faithfully deliver'd it to His Excellence the Prince Palatine, for such, I suppose, he would be called, from whom how little Encouragement he receiv'd, to hope for a Redress of the Grievances of the Countrey, he would have told the World if he had liv'd to finish a Tract, which 'tis a great loss to the World he did not: Entituled *The present State of Affairs in Carolina*; Two Sheets whereof were printed before he died; but his Death has prevented what is but too imperfectly supplied by these Sheets, for which the Author asks the Readers Charity; it being impossible he should be equally touch'd with a Sence of the Miseries of the Colony, with One who had so great a share as Mr. Ash; both of the Property and the Suffering.

The loss this Gentleman's Death was to the Collony, was as to this Negotiation, as well as possible, supplied by their sending a second Agent to the Proprietors, viz: Mr. Joseph Boon, by whom the following Petition was with like ill Success brought to the Proprietors; the failing in which frequent Application, causes this publick Appeal to the World for the Justice of their Application to the Parliament of England; where it is not doubted, they will meet with a suitable Assistance.

I think, I need add nothing to this melancholly Description of the barbarous Treatment of this Innocent People, tho' I could furnish the World with innumerable Particulars. Nor cou'd I make a greater Satyr upon the Conduct and Character of the Gentlemen Proprietors than to say, that all those Humble Representations met with no Redress from

them; but on the contrary All Application to them has hitherto been fruitless, and has met with Repulses, too unbecoming the Reasonableness of their Cause, so say no worse of it,

The Petition of the Inhabitants brought over by Mr. Boon is as follows; and is Sign'd by above 180 Persons of the principal Freeholder of the Country.

To His Excellency, John Lord Granville Palatine, and to the rest of the true and absolute Lords and Proprietors of the Province of Carolina.

MAY IT PLEASE YOUR LORDSHIPS,

By an Address sent Your Lordships by John Ash, Esq: bearing Date the 26th of June, 1703, Several of the Inhabitants of this part of Your Province, set forth to Your Lordships the Undue Election of the Present Assembly; and besides, the Heavy Taxes they have laid on us, and the severe Impositions on Trade (the Consequences of the vain Attempt on St. Augustine). We are more particularly to make our Complaints to Your Lordships, of the Great and Unparallel'd Breach they have made in the Charter, granted Your Lordships by K. Charles the II. and of our Priviledges therein contained. The Assembly having been prorogued to the 10th of May; it was however called together by Proclamation, to Sit the 6th of April; And having continued together seven or eight Days, with little or no Business before them (to the great Surprize of the generality of the people), on a suddain, without any previous Notice, on the 4th of May a Bill was brought into the House (the Copy whereof We have herewith sent Your Lordships) to Exclude by a Sacramental Test, all Dissenters from Sitting in the Commons House of Assembly. This Bill was hurried on so, that on the 6th it Past the House; there being, after all their Endeavours, but Twelve for it, and Eleven against it; whereof several were Members of the Church of England. In the Upper House, tho' it Past with less Opposition, yet the Landgrave Joseph Morton was deny'd the Liberty of Entering his Reasons for his Dissent.

We are unable (Ly Lords) to describe, the Consternation of the Generality of the People at these Violent Proceedings: All moderate Persons are extreemly dissatisfy'd, and the Dissenters themselves under the last degree of Confusion and Difcontent; desiring, with Grief of Heart, that Your Lordships, in Your Great Wisdom and Goodness, will take Their present Condition into Your Serious Considerations, and Order a

Repeal of the aforesaid Act, so Prejudicial to Their Libertys; for which They humbly offer to Your Lordships these following Reasons.

1. K. Charles the II^d, having by His Charter to Your Lordships, given His Subjects, the Freemen and Freeholders of this Province by Themselves, or their Delegates, the Priviledge of Advising and Consenting with your Lordships, to all such Laws as shall be Made here; and the Dissenters being a very Large Part of the Freemen, and Freeholders and encouraged to Transport Themselves, Families, and Estates, hither by the said Priviledges, are notwithstanding, Excluded from the Priviledge of being Delegates, or Representatives of the People in Their Assemblys by the said Act, to the Manifest Violation of the Charter.

2. The Dissenters, in all the rest of Her Majesty's Governments in America, being by no Laws Excluded from being Chosen into Assemblys in the respective Colonys. And the Dissenters here, having a Right thereunto in this Government, not only as Freemen, but by the Concessions in the Charter, have the greater Reason to complain of their present Sufferings.

3. We cannot too feelingly Assure Your Lordships, that the said Act, tends not only to the great Prejudice, and utter Discouragement of Her Majesty's good Subjects, the Dissenters here, in rending from them, that fundamental Priviledge, which They and Their Ancestors have peaceably Enjoy'd ever since the First Settlement of this Colony; but will also be a very great Discouragement to Them in Their several Trades, and Employments, and a fatal Discouragement of the further, and better Settlement of this Part of Your Lordships Province.

For a further account of these Things, we refer Your Lordships to Mr. Joseph Boone, by whose Hands We send this to Your Lordships, desiring You to give Credit to what he shall further Offer to Your Lordships, on Our Behalf. Wishing Your Lordships good Health and Prosperity, We are

Your Lordships

Most Humble, and most

Obedient Servants.

The Lady Blake Widow of the late Governor, at the same time took the freedom to represent to the Proprietors, the matter of Fact of this Proceeding in a most pathetick and extraordinary manner, by Letter as follows:

MAY IT PLEASE YOUR LORDSHIPS.

The Share my Son has the Honour to have with your Lordships in the Propriety of this Province, together with the publick Concern I have for the Propriety thereof; oblige me at this time to give you this Trouble, and to lay before your Lordships a short Representation of the many Grievances the People are oppress'd with.

The precipitate and fatal Understanding against St. Augustine, and the Consequences thereof carried on by a Party, have involv'd the Countrey in a Debt of about Ten thousand Pounds, to the Ruin of our Trade, the Loss of our Credit abroad, and infinite Dissatisfactions at home.

Towards Satisfaction of which Debt, an Act was contriv'd for forcing the Currency of Bills of Credit to the value of Six thousand Pounds, these Bills were declared Current in all Payments, and the Refuser of them fineable in double the value of the Sum refus'd, whereby the bold-est Stroke has been given to the Property of the Settlers in this Province, that ever was known in any Country, not govern'd by arbitrary Power; And the bad Consequences of this forc'd Currency in Relation to trade with Strangers are so great, that they can scarcely be express'd, without being more prolix than the Bounds of a Letter can allow. Your Lordships very well know, that if the Kingdom of England did not conceive such a Method destructive of the Peoples Property, and of the utmost Danger to Commerce, they cou'd not need any Projection of Ways and Means, for raising of what Money the Government's Affairs do require, But there has nothing of this been weigh'd by your Lordships Deputies here, or by the pack'd Members of our Commons House of Assembly; Besides all this, the People are not satisfy'd how many Bills are truly sent abroad; and the great Concern Mr. James Smith alias Serureir, (who cheated the Scot's Company of a Considerable Sum of Money, and with his Keeper made his Escape from London hither) had in this Contrivance, doth give a Jealousie of indirect Practices therein so prevalent among the People as must end in Confusion and Disorder.

Neither have they stops here, but to out present Amazement, and the Increase of our Fears of their evil Designs for the future, they have proceeded to pass an Act for the Exclusion of all Dissenters from their Right to sit in the Commons House of Assembly, and obliging them to take the Sacrament according to the Rites of the Church of England. In the same Act inserting a Clause, to qualifie the most profligate of themselves for Admission into Assemblies by a Declaratory Oath, altho' they never take the Sacrament: This Act (after much under-hand Deal-

ing) was pass'd in a hurry and carry'd by Twelve only against Eleven, the above Mr. Smith, who has neither Interest nor Reputation being one of the Number of the Twelve.

By the Artifices of these Men, the honest and well meaning People have been all along set against your Lordships, Constitutions, they therefore seeing that by passing of them, their indirect and arbitrary Proceedings would be in a great Measure prevented; But now the Eyes of the People are somewhat more open'd, and they begin to be sensible of the Delusions and Oppressions they have been involv'd in, Your Deputies decline offering the Constitutions to the People, altho' your Lordships (as I am well informed) have often of late Commanded it of them.

I know, there has already been made to your Lordships by Mr. John Ash, a Representation of the People's Sufferings here, and that there will be at this time, and upon this Occasion, a farther Account of these Affairs sent your Lordships by many of the good People in the Behalf of themselves and others, most sensibly affected with the Loss of these Priviledges, which by King Charles His Charter to your Lordships, has been the Right and Usage of their Ancestors and themselves, ever since the first Settlement of the province; And my earnest Request to your Lordships is, That in your great Wisdom, you would be pleas'd to give them such a Hearing and speedy Redress, as may conduce most to the Glory of God, your Lordships Honour, and the Welfare and Prosperity of your Colony, and you will highly oblige

Your Lordships

Most Humble Servant:

It may be observ'd, That during the Negotiation of Mr. Ash, and the interval before the sending Mr. Boon, the Party carried on their Excesses, and added to the Grievances Complain'd of before; by setting on foot that most barbarous and unheard of Law against the Dissenters mention'd in the above Letter and Address; the Copy whereof is as follows:

An Act for the more effectual Preservation of the Government of this Province, by requiring all Persons that shall hereafter be chosen Members of the Common House of Assembly, and sit in the same, to take the Oaths and subscribe the Declaration appointed by this Act; and to conform to the Religious Worship in this Province, according to the Church of England; and to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the said Church.

As nothing is more contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of England, than Persecution for Conscience only,

NEVERTHELESS,

Whereas it hath been found by experience, that the admitting of Persons of different Perswasions, and Interest in Matters of Religion, to sit and vote in the Commons House of Assembly, hath often caused great Contentions and Animosities in this Province, and hath very much obstructed the publick Business; and whereas by the Laws and Usage of England, all Members of Parliament are obliged to conform to the Church of England, by receiving the Sacrament of the Lord's Supper, according to the Rites of the said Church.

Be it therefore enacted, by His Excellency John, Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Charles-Town, for the South-West Part of this Province, and by the Authority of the same, That every Person that after the Ratification of this Act, shall be chosen a Member of the Commons House of Assembly that hath not, within the Space of Twelve Months before such his Election, receiv'd the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of England, as establish'd by Law, such Person after his Election, and before he be permitted to sit and vote in the said House, shall receive the Sacrament of the Lord's Supper, according the Rites and Usage of the Church of England, in some publick Church, upon some Lord's Day, commonly called Sunday, immediately after divine Service and Sermon; and every of the said Persons, in open Assembly, in a full House duly sitting, with their Speaker in his Chair, shall deliver a Certificate of such his receiving of the said Sacrament as aforesaid, under the Hand of the respective Minister, or shall make proof of the Truth thereof by Two credible Witnesses at least upon Oath.

But whereas some Persons scruple the Receiving the Sacrament of the Lord's Supper, by reason they fear they are not rightly fitted and prepared to partake of that Ordinance, who do nevertheless, out of real Choice, conform to the Church of England, as Establish'd by Law, and do sincerely profess the Same, and do not abstain from the Sacrament of the Lord's Supper, out of any Dislike to the Manner and form of the Administration thereof, as used by the Church of England, and prescribed in the Communion-Office, in the Book of the Common-Prayer of the said Church.

Be it therefore enacted by the Authority aforesaid, That every Person that after the Ratification of this Act, shall be chosen a Member of the Commons House of Assembly in this Province, in case he hath not received the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of England, as is before prescribed by this Act, then every such Person before he vote in the said Commons House of Assembly, or sit there during any Debate in the said House, after their Speaker is Chosen, shall upon his Oath taken on the Holy Evangelists, declare as follows.

I. A. B. "Do solemnly and sincerely, in the Presence of God, profess, testify and declare, That I am of the Profession of the Church of England, as Establish'd by Law; and that I do conform to the Same, "and usually frequent the said Church for the publick Worship of God; "and that I do not abstain from the Sacrament of the Lord's Supper, "out of any Dislike to the Manner and Form of the Administration "thereof, as used by the said Church of England, and as it is prescribed "in the Communion-Office, in the Book of Common-Prayer of the said "Church; and that I am not, nor for One Year past, have not been in "Communion with any Church or Congregation, that doth not conform "to the said Church of England, nor received the Sacrament of the "Lord's Supper in such Congregation; and that as a Member of this "House of Assembly, I will endeavour the Good and Welfare of the "said Church of England, as established by Law; So help me God.

Which said Oath or Declaration of Conformity shall be solemnly and publickly made, and subscribed by every Member of the said Commons House of Assembly (that doth not produce a Certificate, or other Proof of his having received the Sacrament of the Lord's Supper, as before prescribed by this Act,) between the Hours of Nine in the Morning and Four in the Afternoon, at the Table in the said House, and whilst a full House is sitting with their Speaker in his Chair: And every such Person that shall upon Oath make, and subscribe such Declaration of Conformity to the Church of England, is hereby declared to be sufficiently qualified to be a Member, of the Commons House of Assembly, as if he had receiv'd the Sacrament of the Lord's Supper according to the Usage of the Church of England, as is above prescribed by this Act.

And be it further enacted by the Authority aforesaid, That all Persons that after the Ratification of this Act shall be chosen Members of the General Assembly before they vote in the Commons House of Assembly, or sit there during any Debate in the said House of Commons, after their Speaker is chosen, shall on the Holy Evangelists take the

Oaths appointed to be taken, instead of the Oaths of Allegiance and Supremacy by one Act of Parliament, made in the First Year of the Reign of the late K. William and Q. Mary, entituled "An Act for the "Abrogating of the Oaths of Supremacy and Allegiance, and appoint-
"ing other Oaths, and shall make and subscribe the Declaration
"appointed to be made and subscribed in the Act made in the Thirtieth
"Year of the Reign of the late King Charles the Second, entituled, An
"Act for the more effectual Preserving the King's Person and Govern-
"ment, by disabling Papists from sitting in either Houses of Parlia-
"ment. And shall also take the Oath appointed to be taken by one
"Act of Parliament made in the First Year of the Reign of Her pres-
"ent Majesty, entituled, An Act to declare the Alterations in the Oath
"appointed to be taken by the Act, entituled, An Act for the further
"Security of Her Majesty's Person, and the Succession of the Crown in
"the Protestant Line; and for extinguishing the Hopes of the pre-
"tended Prince of Wales, and all other Pretenders, and their open and
"secret Abettors, and for declaring the Association to be determined:
Which Oaths and Declaration in every succeeding Assembly shall be
solemnly and publickly made and subscribed betwixt the Hours of Nine
in the Morning, and Four in the Afternoon, by every Member of the
said Assembly, at the Table of the said House, and whilst a full House
is sitting, with their Speaker in his Chair.

And be it further enacted by the Authority aforesaid, That if any
Person, that shall hereafter be elected a Member of the Commons House
of Assembly, shall presume to sit and vote in the said Commons House
after their Speaker is chosen, before he hath received the Sacrament of
the Lord's Supper, according to the Rites and Usage of the said Church
of England or upon Oath and subscribed such Declaration of Conform-
ity to the Church of England as is prescribed by this Act, and hath also
taken the Oaths, and made and subscribed the Declaration, as required
by this Act; every Person so offending shall forfeit for the first time he
shall so sit, the Sum of Fifty Pounds current Money of this Province;
and for every Day after that he shall so sit, the Sum of Ten Pounds, the
one half to the Palatine, and the rest of the true and absolute Lords and
Proprietors of this Province, to and for the Support of the Government
of this Province, and the contingent Charges thereof, to be disposed of
by Ordinance of the General Assembly; and the other half to him or
tham that shall sue for the same within Six Months after the Offence
committed, by Action of Debt, Suit, Bill, Plaint, or Information in any
Court of Record in this Province, wherein no Essoign, Protection, Privi-

lege, Injunction, or Wager of Law, or Stay of Prosecution, by Non Vult ulterius Prosequi, or otherwise, shall be admitted or allow'd.

And be it further enacted by the Authority aforesaid, That in case any Person shall be return'd a Member of the Commons House of Assembly, who shall refuse to qualifie himself as required by this Act, and so cannot be permitted to sit and vote in the said House, that then and in such Case it shall be lawful for those Members of Assembly, that are qualified to sit and vote in the said House of Assembly, or to order the Sheriff of the County to lay the Poll or List of the several Candidates, and the Numbers of them that voted for each of the Candidates, and admit that Person or Persons, that hath the greatest Number of Votes next to them, Members that were return'd to sit and vote as a Member or Members of the said Commons House of Assembly, provided they do qualifie themselves as is above directed by this Act; And in case there is not a sufficient Number of the other Candidates, that are qualified, as aforesaid, to fill up the Vacancies, that then a new Writ shall be issued out for such Number as is so wanting.

Read Three times, and ratified in open Assembly, the Sixth Day of May, Anno Domini, 1704.

N. JOHNSON,
THO. BROUGHTON,
JA. MOORE,
ROB. GIBBS,
HENRY NOBLE,
NICHOLAS TROTE.

This is the famous Exclusive Act: A Law in it self so ridiculous, so partial, so calculated for the Ruine of the Colony, that nothing but mad Men, that depended upon being Superior in Power to all humane Authority, the People should apply to, would have ever brought upon the Stage of the World: A Law that give such a Test of its Makers, that it fills Strangers with Amazement, at the Impudence of it, makes their own Friends abandon them; and that they that would advocate for the Thing in general, yet blush at the horrid particulars.

A Law, that contrary to all Laws universally made; which, however ill design'd, have pretence of publick Good, has thrown off the very Mask of Modesty; and openly declares, no Villany can unqualify for a part in the Government, but a Conscientious Scruple may.

A Law that has the Impudence to declare War against the Christian Religion and the Church of England, in the frontice Piece, and begins with a Non abstante to both of them.

That having first own'd what it Enacts, to be Unchristian and Hetrodox, has the face, to begin with a Nevertheless in Capital Letters, damning the Laws of God, and of the Church, as well as of the Country, to a positive Submission, to a Rabble of Sham-Representatives.

A Law that, turning the first Paragraph into the Genuine English, which the Words will, without any straining, or partial Construction, bear; begins in this Sense.

Whereas the Laws of God, the Laws of Nature and Reason, the Christian Religion, the Doctrine of the Church of England, and the Constitution of this Country, are directly against, and do clearly condemn the Law now making, yet in Defiance to them all, in order to carry on our own private Resolutions, for the Enriching our selves, and the Destruction of this Colony, we have resolved to Enact; and be it Enacted, &c.

Blush, Gentlemen-Proprietors, and be asham'd for your Petty Sub-Tyrants; that, like the Lord's Servants in the Gospel, beat and abuse their Fellow-Servants, and Eat and Drink with the Drunken, and with a Detestation suitable to your own Honour, and the Nature of the Crimes, publish your Dislike of these Things, and immediately apply your selves to reforming the Abuses of your Subjects, who, tho' in one Sense they are your Subjects, in another Sense, as Englishmen, are your Fellow-Subjects to the Crown and General Government of the English Empire, and that are under the Government of a Princess; Who, as She hates Tyranny in all its Parts, carefully avoids it in Her Own Administration, Vigorously struggles with it in Europe, and Fights to loose the World from General Bondage, will never suffer Her Own Subjects to Tyrannize over one another, nor any part of Her people to oppress the rest. In Her Majesty's Equal Administration, you may assure your selves, these injur'd People will have Redress; and the barefac'd Villany, with which they have been thus treated, will ripen Matters so, for the Royal Justice, that it cannot escape a Necessary Correction.

Prevent it, Gentlemen, by a timely Redress, and let Her Majesty see, that Her pious Examples of Peace will animate you, to extend it to all the parts of Her Subjects under your Direction; for certainly, when Her Majesty exhorts us all to Peace and Union, and promises Her Royal Favour to those that promote it, it cannot be understood, that all Her Majesty's Dominions should Enjoy it, but Carolina.

Hitherto you have seen the General Complaint of the Inhabitants of Carolina, and how they have been Tyranniz'd over, and barbarously Treated in the Country.

I conclude this Treatise, by giving Account of the Reception they met with here in, their peaceable Application to their Palatine, and Board of Proprietors for Redress.

Mr. Ash, as is related, being arriv'd here with the Remonstrance and humble Petition of the Inhabitants, apply'd himself in the Name of the People, by whom he was sent to their Excellencies the Proprietors; and delivering his Petition &c. found it was impossible to obtain any Redress, either for the publick, or his own private Abuses, which were intolerable; and therefore resolv'd to publish the Account, but dy'd before it was finished; and his Papers being sent over to his Relations there, were treacherously deliver'd to the Governor's Agents, whose Guilt Dictated to them; That they were exposed in them; and several private Letters of the Inhabitants to Mr. Ash, being among them; they are now prosecuting and insulting the said Inhabitants for those Letters, to terrify others from transmitting a true Account of the Oppressions practised upon them.

As in the Interval of Mr. Ash's Negotiation, the Exclusive Bill was passed, as I have noted, and Mr. Boon sent over with it as before; he applyed himself to my Lord G——ll Palatine (as he calls himself) for all Men know that by the Right of the Constitution, even that Mock Title is none of his Due. Having laid the Case before his Excellence (as he loves to be call'd) Mr. Boon desir'd a Board of the Proprietors might be call'd, which his Lordship promised, but never perform'd till after about 7 Weeks Attendance and Sollicitation.

At this Board, one Mr. Arsdale, now a Proprietor, and formerly the very well respected and upright Governor of Carolina, vigorously opposed the passing this Exclusive Bill; and gave such Reasons against it, as his Lordship, who all the World knows, does not always make use of his Profound Skill of Reasoning, not being able to Answer, had Recourse to the true Methods of all Tyrants positive Will, and answer'd in this Arbitrary and Imperious Manner:

"Sir, You are of one Opinion, and I am of another, and our Lives may not be long enough to End the Controversy. I am for this Bill, and this is the Party that I will Head and Countenance.

This is so much the Picture of the Answer of King James, to the Humble and Peaceable Address of the Bishops, when he sent them to the Tower; that a Body would wonder the Tale of one, should not warn his high Mightiness against the Practise of the other.

But let us go on, and see how the sweet and delicious Taste of Tyranny had swallow'd up all the Justice of this Mountebank Prince.

Mr. Boon, the present Agent for the Oppress'd People, humbly mov'd his Excellence to be Heard by Council against this Barbarous Act. Hark now, Gentlemen, to the haughty Answer of an insulting, podant Prince, to a Request so reasonable.

"What Business has Council here? it is a Prudential Act in me, and "I'll do as I see fit; I see no Harm at all in the Bill, and am resolv'd "to pass it.

Accordingly, *Sic Volo, sic Jubeo*, he Signed it that Day, the Board consisting but of three Persons, and he having Power by a Proxy for Two in himself; and tho' we must in Justice acknowledge, that some of the Gentlemen Proprietors were against it, yet by that Means they were over-rul'd and the Bill pas't.

By this Arbitrary Proceeding, the Liberties of Carolina are trampled under foot, and the People's Properties subjected to all manner of Insults and Oppression.

Mr. Boon had a Petition against this Bill to present him, signed by the principal Merchants of London, Trading to Carolina; but he saw himself foreclosed by absolute Power, and that he had to do with a Monarch, on whom the Cries and Prayers of his oppress'd Subjects made no Impression.

For this Cause, he now addresses himself to the Honourable the House of Commons, and hopes, that from the Premises, it will be allow'd of, in behalf of the oppress'd People of Carolina, that they have not taken this Course but as the last Resort; all manner of humble, dutiful, and peaceable Application to their Governors, having been first in vain attempted, to obtain a just Redress.

What have the peaceable Subjects of this Province done, that they alone must be oppress'd, when all the rest of Her Majesty's People enjoy the Blessing of a Government, the best constituted, and under the best, most moderate, and most equal Administration in the world?

This Law in its Nature appear'd so black, that even in this very Assembly afterwards, viz Some Members mov'd to have it Repealed, and the Act pass'd to Repeal it in the Lower House, which they call but in the Upper House, where the Engines of this Confusion Sat, and had a more particular Influence, and which they Call the Court of there it was rejected *Nemine Contradicente*.

It would swell this Book too much to give a particular Account of the flourishing Circumstances of this Colony before these things, and of the fatal Effects already felt on their Trade, especially on the Number of Inhabitants, which is allow'd by all, to be the Wealth, Strength, and

Prosperity of a Country; These Proceedings not only discouraging People from going to Settle, where all things are in such Confusions, and Hurries, and where Men are not safe in their Houses and Families, nor in the Streets; but many Families (well Settld and flourishing) daily Remove, and others are preparing to quit the Place, chosing to abandon a Settlement where their industry is subjected to such Violences; and they are not sure to enjoy (peaceably) the Fruit of their Labour.

There is yet another Scandal these Proceedings lye under, which carries in it some Reflection on the Great Persons concern'd; and that is, That these Proceedings, being Contemporary with Times of Occasional Bills, Tackings, dangerous Experiments, and the like in England, receiv'd their Life and Motion from the same Original, and prosecuted the same Design, being under the Power and Government of some of the same Persons. This Observation has several Aspects.

1. England may here see the Consequence of Tackings, Occasional Bills, &c. in Minature, and what the Designs of the Party are in general, viz: the absolute Suppression of Property, as well as Religion; or in short, both Civil and Ecclesiastical Tyranny.

2. Carolina may have reason to think their Oppressions were at least encourag'd from the same Expectation they had of Success in the like Design here; and not expecting a Disappointment here, no wonder, if they acted as People that thought they should never give any Account, either to God or Man.

3. Her Majesty has here an Exceeding Testimony, to the Necessity of Party-Peace, which her Royal Wisdom Dictated before, was the only Happiness of Her People; and which the same Party of Men, were carefully destroying here, as these did there.

4. Here may be seen, the Great Assurance this Party acted with, that depending they should succeed here, durst attempt the persecuting their Fellow-Subjects there.

5. 'Tis plain, what is the Design of Occasional Bills in general; which, where they durst appear to show themselves, Demonstrate 'tis not to prevent Hypocrisy, but to plunder and destroy their Neighbours; and that any Man may come in to the Administration, let his Manners be never so Corrupt, and that provided he be not tainted with the Sin of defending his Liberty, nor with the Scandal of being a Man of Conscience, he is own'd fit to be a Member of this Society.

I believe, I may freely challenge all Mankind, ever since there were Governments in the World, to show a like Test of Qualification, where Men Conscious to themselves, that if they lock't the Door against

Rogues, against profligate, unqualify'd Rakes, they should shut themselves out, open'd the Door to all that were scandalously unfit for any thing, and bolted it upon none but those that could not swear themselves regardless of Conscience.

But while we are hinting here at the People that Push on these Extravagancies, we ought to clear the Church of England, as a Church, as far as possible, from the Guilt of Action so Horrid.

For tho' here is a seeming Appearance for the Church of England, and some shew of Regard to her, yet as the Doctrine of the Church abhors such Practises, so the worthy and reverend Minister of the Church of England there, has shared with the deepest, in the Suffering Part, from the Violences and Furry of those People, because he would not joyn with them in the same Excesses, against the Laws of the Place, the Liberty, and Religion of the Inhabitants, and the known Capitulations of the Government.

Nor can they Charge this Gentleman with Phanticism, or Partiality, who 'tis known, was so far from that, that it was some time here before he could satisfy his Conscience to take the Oaths, and lost several Advantages because of it.

Yet this Gentleman abhorring such Unchristian Violences, and not being to be prevail'd upon to joyn with them, has been insulted by them in the most barbarous and villanous manner, even in the Streets, his Gown torn off from his Back, whipt with a Horse-whip, and in a most unseemingly manner beaten and abused, as by his many and frequent Complaints made to the Proprietors (tho' never regarded) will appear.

Nor does their Rage end here; but the Party now are resolv'd to have him turn'd out, tho' he is marry'd, settled, and has a Family of Children upon the Place, depending upon his being fix'd there for his Life, knowing that his blameless Conversation would be incapable of forfeiting that Settlement.

It would require a History as large as the Rest of this Book, to set down the Barbarities this Gentleman has met with, and which he has fully represented to some Reverend Divines here; and perhaps Dr. S . . . hope may better know, why no Redress is obtain'd for him, while an Ignorant, Illiterate, and Untaught Person, to say no worse for him, is encouraged and supported by this Party, to Infult and Depress the other;

Nor are their Proceedings altogether unlike what in former Times was practised here, since they are now Erecting a little High Commission Court to Govern the Clergy, and to whom they shall be always subject;

by which 'twill be always true, That when ever a Clergy-man has Courage, either to reprove their Vices, or oppose any of their Arbitrary Proceedings, they shall be lyable to the Censure of those very Men they ought to reprove.

This Gentleman was so far from obtaining any Redress in the Case we hint here, that to requite him, we are inform'd they resolve to have him out.

Nor is he the first, but two several Clergy-men before him have been so treated, turn'd out, and reduc'd, that both of them went distracted, and dyed in Misery and Distress.

'Twould fully this Paper, and turn the sad Account to a History of Immoralities, to bring upon the Stage the Characters of the People: Men are best known by their Actions; and we leave this unparallel'd Act of Parliament as a Standard for them to be match'd by, if ever Providence should suffer a Society of such Men, to get Legislative Power into their Hands, in any part of the World.

If this be the Effect of Occasional Bills, and English Persecution; no wonder it was declar'd contrary to the Christian Religion; but sure these are the first Men that ever made a Law, tho' it has been elsewhere push't at, with a Nevertheless upon its Title, to its being contrary to the Christian Religion.

It can therefore no longer be doubted, but when these Things come to be confider'd in an English Parliament, such Redress will there be obtain'd, as may secure English Liberty, wherever it pleases God to establish English Government.

That no part of the Subjects of this Nation be oppress'd by others; and that while Great Men obtain the Liberty of their Estates, and the Property and Security of their Inheritances; they may not Erect Petty-Tyrannies under them, and skreen Men of profligate Principles from the Resentment of the Government.

That Men may not be wheedled in by the Pretence of a free Possession of Estate and Liberty, and on Conditions of a just Government: first, to wander into remote wildernesses with their estates and Families, then industriously Plant, Cure, Manage and Improve their Estates, and at last, have their Labours discourag'd by Tyrannick and Barbarous Insults; their Estates sunk and lessen'd, by being subjected to Arbitrary Taxations, for the Executing improbable and preposterous Projects, and their Persons unqualify'd without a Crime, to appear in the Assemblys of their Country, where all these Injuries might, in a legal manner, be redress'd and repair'd.

